

# **THE CONSTITUTION OF THE COUNCIL**

## **PART 1**

### **SUMMARY AND EXPLANATION**

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

Surrey County 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 the law, while others are a matter for the Council to determine.

The Constitution is divided into 14 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 of the Constitution sets out its purpose and the overall objectives of the County Council. It then goes on to 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)
- The Leader (Article 5)
- The Cabinet (Article 6)
- Select Committees (Article 7)
- Regulatory and other Committees (Article 8)

- Health and Wellbeing Board (Article 8A)
- Local Committees (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

### **How the Council operates**

The Council is composed of 81 councillors (or “Members”) elected every four years. Councillors are democratically accountable to electors in their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents.

The Council has a code of conduct for Members to ensure high standards in the way they undertake their duties. The Audit and Governance Committee provides training and advice to them on the code of conduct.

### **How decisions are made**

The Leader of the Council is responsible for most day-to-day decisions. These decisions can be delegated to a Cabinet, individual Cabinet Members, Local Committees, individual local Members, or officers. The Council appoints the Leader from the 81 elected county councillors for a four year term. The Leader appoints a Deputy Leader and a Cabinet. The Cabinet is made up of the Leader, Deputy Leader and between one and eight other elected councillors. When major decisions are to be discussed or made, these are published in the Leader’s Cabinet forward plan in so far as they can be anticipated. The Cabinet meets in public except where personal or confidential matters are being discussed. Decisions have to be made in line with the Council’s overall policies and budget. If a decision which is outside the budget or policy framework is required, this must be referred to the Council as a whole to decide.

### **Overview and scrutiny**

There are a number of select committees which between them support the work of the Leader/Cabinet and the Council as a whole. They are responsible for advice and policy development, and for the scrutiny of decisions on executive

functions. These committees will both research policy options for the Leader/Cabinet and review and scrutinise policy, practice and performance. They can 'call-in' a decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision is reconsidered by the decision maker.

The select committees may be consulted by the Leader/Cabinet or the Council on forthcoming decisions and the development of policy, and shall be consulted on proposals forming part of the policy framework.

### **The Council's staff**

The Council has people working for it who 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 governs the relationships between officers and Members of the Council.

### **The public's rights**

The public 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.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights.

The public have the right to:

- vote at local elections if they are registered;
- contact their local county councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, the Cabinet and the Council's committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in question time at meetings of the Cabinet and some committees, present petitions relating to matters within the terms of reference of the Cabinet or a committee, and make representations on planning applications and applications relating to public rights of way;

- find out, from the Leader's Cabinet forward plan, what major decisions are to be discussed or decided, and when;
- attend meetings where Cabinet key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Leader/ Cabinet, Cabinet Members and the Council's or Cabinet's committees;
- complain to the Council about the Council's services. The Council has a three stage complaints procedure. If anyone has reason to believe the Council has acted improperly they may complain to the Monitoring Officer who will investigate the complaint as the final stage in the procedure;
- 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 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 during the 20 working days statutory period prior to the external auditor giving his/her opinion.

The Council welcomes participation by the public in its work. For further information on your rights, please contact the Assistant Director – Governance and Democratic Services.

Any member of the public is entitled to inspect agenda and reports of Council meetings and to attend those meetings. There are some circumstances where the Council is entitled to exclude the public where confidential or exempt items are being discussed. All agenda and reports (except those that contain confidential or exempt information) are published on the Council's website.