



GUILDFORD  
B O R O U G H

## **PART 1**

# **SUMMARY AND EXPLANATION**



## CONSTITUTION

### Summary and Explanation

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

This Constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for the Council to choose. A copy of the Constitution is on the Council's website and a paper copy can be inspected in the Council's main Reception. This summary is a guide to how the Council and its meetings work.

#### **How the Council Operates**

The Council comprises 48 councillors elected every four years. Each of the 21 wards of the Borough is represented by one, two or three councillors. Councillors are democratically accountable to residents of their ward to whom they have a special duty, including those who did not vote for them. However, the overriding duty of councillors is to the whole community.

Councillors observe a code of conduct to ensure high standards in the way they undertake their duties. The Council's adopted code of conduct is set out in Part 5 of this Constitution. The Corporate Governance and Standards Committee, under the guidance of the Council's Monitoring Officer, is responsible for giving advice and training to councillors on matters relating to the code of conduct. If a Member of the public or another Councillor considers a councillor has acted inappropriately and in breach of the Code of Conduct, then they can make a complaint to the Monitoring Officer who will determine whether it merits formal investigation. The procedure for this is set out in Part 5.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, councillors decide the Council's policy framework and set the budget each year.

The Council has a Leader and Executive model of governance. This means the Council elects a leader every four years. He or she then appoints up to nine other Councillors to form the Executive, one of whom will be the Deputy Leader. The Leader and Deputy Leader will act as Chairman and Vice-Chairman respectively of the Executive. As a balance the Council's Overview and Scrutiny Committee holds the Executive to account. In addition, the Executive Advisory Boards consider and (where necessary) make recommendations on certain "Key" and significant decisions prior to the Executive making such decisions, as well as assisting the Executive in the development of policy.

Councillors also make some decisions in relation to Regulatory functions, for example determination of planning applications and licensing matters. The Council appoints committees of councillors to make decisions on these matters. The meetings of these committees are normally held in public.

Public notice of all meetings is given on the Council's website and also on the notice board at the Council's main Reception.

The Council also routinely webcasts meetings of the full Council, the Executive and other committees.

### **How Decisions are Made**

The Leader of the Council (the Leader) is responsible for most day-to-day decisions. These decisions can lawfully be delegated to the Executive, committees of the Executive, joint committees of other authorities, individual lead councillors on the Executive, individual local ward councillors, or officers.

When major decisions are to be discussed or made, these are published in the Council's forward plan in so far as they can be anticipated. They may also be considered by one of the Executive Advisory Boards. If these major decisions are to be made at a meeting of the Executive, this will be open for the public to attend except where personal or confidential matters are being discussed. Decisions have to be made in accordance with the Council's overall policies and budget and may be informed by recommendations from the Overview and Scrutiny Committee and Executive Advisory Boards. 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.

### **How Council Meetings Work**

Meetings of the full Council, which are chaired by the Mayor, are more formal than Executive and committee meetings. Decisions are taken following a debate by councillors in which motions setting out recommended action are discussed. Amendments to these motions may also be discussed as part of the debate. A flow chart showing how the full Council deals with motions and amendments during debates is set out in the Appendix to this part of the Constitution.

### **Overview and Scrutiny Committee**

The Overview and Scrutiny Committee supports the work of the Leader/Executive and the Council as a whole. The committee allows residents to have a greater say in Council matters by investigating matters of local concern. It leads to reports and recommendations which advise the Leader/Executive and the Council on its policies, budget and service delivery.

The Committee also monitors the decisions taken by the Leader/Executive. The Committee can 'call-in' a decision which has been made by the Leader/Executive, but not yet implemented. This enables it to consider, for example, whether the decision is consistent with the budget and policy framework and it may recommend that the Leader/Executive reconsiders the decision. Councillors have up to five working days after a decision has been made to call it in. In these circumstances, decisions cannot be implemented until any issues have been considered by the Committee. The Committee may also be consulted by the Leader/Executive or the Council on forthcoming decisions and the development of policy.

### **Executive Advisory Boards**

The Council has two Executive Advisory Boards, which consider and (where necessary) make recommendations on certain "Key" and significant decisions prior to such decisions being made by the Executive. They also assist the Executive with policy making and budget preparation. Unless the context otherwise requires, the expression "committee" in this Constitution shall also include Executive Advisory Boards.

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

The Council has people working for it (called 'officers') to 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 councillors (see Part 5 of this Constitution).

### **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. The local Citizens Advice 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.

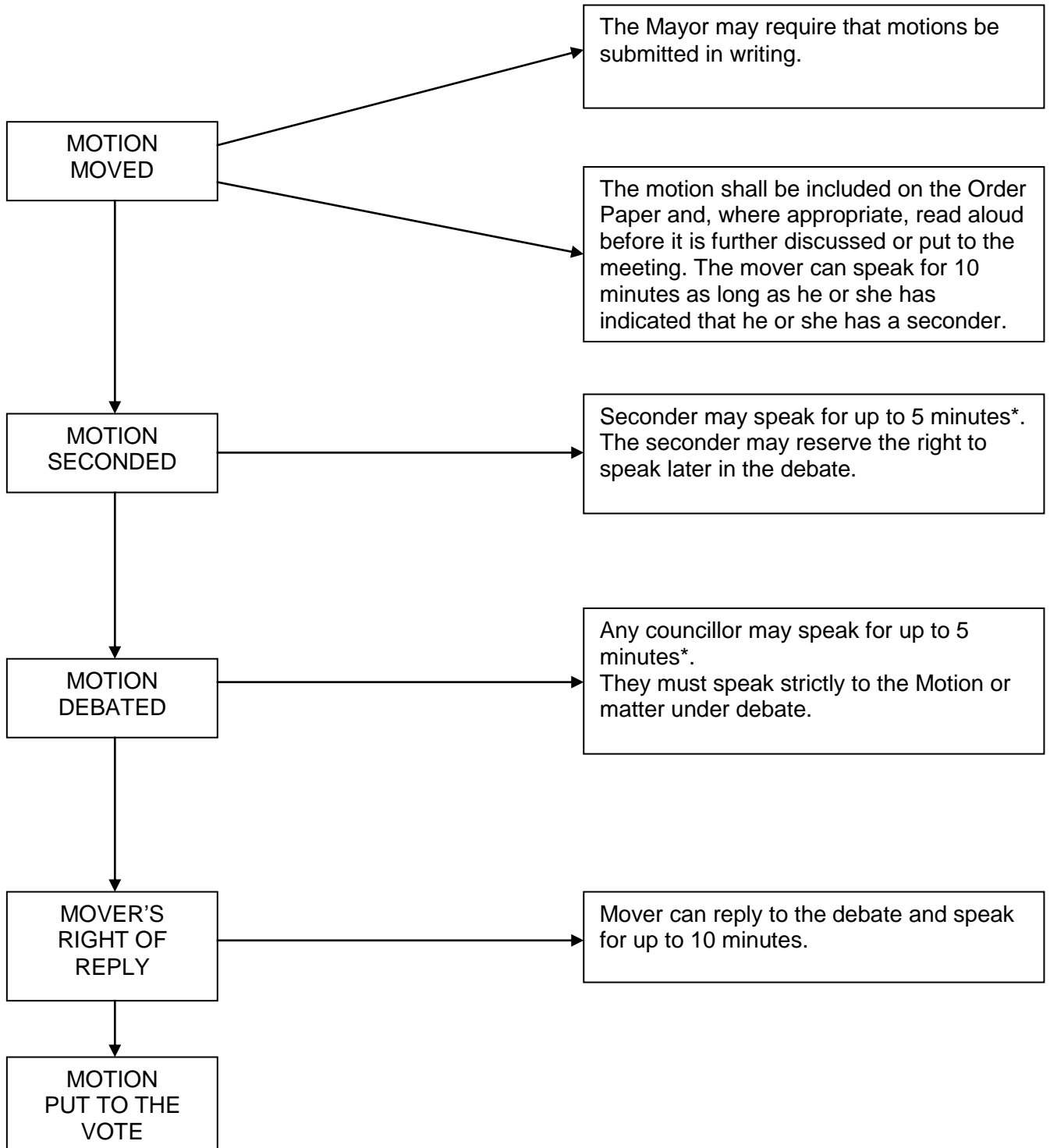
The public have the right to:

- 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, which can be viewed on the Council's website;
- attend meetings of the Council and its Executive and committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- present petitions to the Council in accordance with the adopted Petition Scheme set out in Part 4 of this Constitution
- ask questions or address meetings of the Council, Executive and committees;
- find out from the Forward Plan what major decisions are to be discussed and decided by the Leader/Executive and when;
- see reports and background papers and any record of decisions made by the Council, the Leader, lead councillors, the Executive and committees in relation to matters considered in public;
- complain to the Council about any aspect of its services;
- complain to the 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 Councillors' 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 their opinion.

The Council welcomes participation by the public in its work and strives to be transparent and open in all its work. For further information on your rights, please contact John Armstrong, Democratic Services and Elections Manager, on 01483 444102 or e-mail [john.armstrong@guildford.gov.uk](mailto:john.armstrong@guildford.gov.uk).

RULES OF DEBATE - MOTIONS

Appendix



**GLOSSARY:**

**Motion:** a proposed form of action for the Council to take

**Mover:** a councillor who proposes a motion

**Second:** to formally support a motion so that it may be debated and put to the vote

**Secunder:** a councillor who formally seconds a motion

**Amendment:** a proposed alteration to a motion

**Substantive motion:** the motion that is debated after an amendment is carried

\* Time limits may be extended with the consent of the Council which shall be given or refused without debate.

**RULES OF DEBATE – AMENDMENTS TO MOTIONS**

