

## **SECTION 1**

### **INTRODUCTION TO HOW THE COUNTY COUNCIL WORKS**

#### **1. The County Council**

- 1.1 The County Council is composed of 62 councillors elected every four years. Councillors are democratically accountable to the residents of their electoral division. 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.
- 1.2 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.
- 1.3 All councillors meet together as the County Council. Meetings of the County Council are normally open to the public. Here councillors decide the County Council's overall policies and set the budget each year. The County Council is also responsible for electing the Leader of the Council and for appointing Committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, while others have responsibilities for taking decisions about specific areas.
- 1.4 The Leader of the Council appoints the members of the Cabinet.

#### **2. How decisions are made**

- 2.1 Different parts of the Council are responsible for particular types of decisions and decisions relating to particular areas or functions. A list of the responsibilities of each body or individual can be found in the relevant section of the constitution.
- 2.2 All decisions of the Council will be made in accordance with the following principles:
  - (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
  - (b) where appropriate, the realistic evaluation of alternatives;
  - (c) proportionality (ie the action must be proportionate to the desired outcome);
  - (d) due consultation and the taking of professional advice from officers;
  - (e) respect for human rights and equalities;
  - (f) a presumption in favour of openness;
  - (g) clarity of aims and desired outcomes; and
  - (h) reasons being given for the decision.

- 2.3 The Council, a Committee or Panel, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### **3. Decision making by the Cabinet**

- 3.1 The Cabinet is the part of the County Council which is responsible for most day-to-day decisions. The Cabinet comprises the Leader of the County Council and up to nine councillors who meet together to take decisions. Meetings of the Cabinet are generally open for the public to attend, except where personal or confidential matters are being discussed.
- 3.2 The Cabinet is responsible for taking 'Key Decisions' which are decisions which are termed significant, either in financial terms or in its effects on communities living or working in an area comprising two or more electoral divisions in the County area.
- 3.3 The Cabinet 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 Council as a whole to decide.
- 3.4 In some instances individual Cabinet Members may have delegated powers to take decisions on behalf of the Cabinet.

### **4. How decisions are scrutinised**

- 4.1 There are four Select Committees who support the work of the Cabinet and the Council as a whole. Their overview and scrutiny of both planned and taken decisions leads to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Select Committees monitor the decisions of the Cabinet and may be consulted on forthcoming decisions and the development of policy.
- 4.2 Members of the Council who are not on the Cabinet can 'call-in' a decision which has been made by the Cabinet but not yet implemented. If a matter is 'called-in' it will be considered by the Corporate Review Committee and Members of the relevant Select Committee may be invited to the meeting when the 'call-in' is considered. They may recommend that the Cabinet reconsider the decision or in some circumstances refer it to the Council.

### **5. The Council's Staff**

- 5.1 The County 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 code of practice governs the relationships between officers and members of the County Council.

### **6. Citizens' Rights**

- 6.1 Citizens have a number of rights in their dealings with the Council. Section 4 of this Constitution sets out Citizens' rights to participate in Council's democratic

arrangements by voting, attending meetings and accessing reports and background papers. It also sets out Citizens' right to complain about the Council's actions or proposals.

- 6.2 Some of these are legal rights, whilst others depend on the County Council's own processes. The Local Citizens' Advice Bureau can advise on individual legal rights. Where members of the public use specific Council services, for example as a parent of a school pupil, they may have additional rights. These are not covered in this Constitution.
- 6.3 The County Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Democracy, Law and Transformation .