

SECTION 1

INTRODUCTION AND SUMMARY

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1.1 The Constitution – its purpose and contents

1.1.1 Purpose

The Constitution of Mendip District Council sets out how the Council operates and how decisions are made. It explains the procedures which are followed to ensure that decisions are taken efficiently and openly, and that those who make them are accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. However the Constitution is not a statement of or a catch- all for current legislation and as such it does not include or refer to specific legislative provisions and relevant amendments.

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The purpose underlying the provisions of the Constitution is to:

1. **Enable the Council to work towards its stated vision, “Mendip – a place to be proud of – where people, communities and businesses are encouraged to achieve their potential”**
2. **Enable the Council to provide clear leadership to the community in partnership with local people, businesses and other organisations;**
3. **Support the active involvement of local people in the process of local authority decision-making;**
4. **Help councillors represent their constituents more effectively;**
5. **Enable decisions to be taken efficiently and effectively;**
6. **Create a powerful and effective means of holding decision-makers to public account;**

7. **Ensure that no one will review or scrutinise a decision in which they were directly involved;**
8. **Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and**
9. **Provide a means of improving the delivery of services to the community.**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

1.1.2 Contents

The Constitution describes the various bodies which make up the Council, their functions, membership and procedural rules, and how they interact with each other. It also describes the roles of elected members of the Council (councillors) and of the Council's employees (officers). It sets out the rules which govern how the Council conducts its business, who is responsible for each of the Council's functions and who has authority to make which decisions on behalf of the Council.

Section 2 explains how local people can obtain information and become involved with the Council, and what to do if you have any problems in relation to the Council.

Members and officers of the Council have agreed to comply with certain codes of conduct and other rules setting standards of behaviour, and these are set out in the Appendices to the Constitution, together with other detailed procedures and policies of the Council.

The Constitution is a legal document, and is long and complex because the law relating to local authorities is extensive and complicated. However, we have tried to make it as easy to follow as possible. The Contents pages provide a guide to what is in the Constitution and where to find it, and there is a simple index at the end of the document. Section 1.4 explains the meaning of terms used in the Constitution.

If you need any further help, please contact the Council's Monitoring Officer, with whom our Customer Services staff will be happy to put you in touch.

1.2 The Council and how it works – a summary

This section contains brief details about the various bodies making up the Council and about its decision-making processes – more information can be found in later sections as indicated. A diagram showing the relationship of the various Council bodies can be found in section 1.3.

1.2.2 Councillors and the full Council

The Council is composed of 47 councillors (members) elected every four years. 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. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the full Council. Meetings of the full Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints and holds to account the Cabinet and other boards and committees, and holds debates and public question times.

More information on full Council – see Section 4

More information on Council members – see Section 3

1.2.3 How decisions are made

Decision-making processes within the Council differ according to the nature of the matter being dealt with. In 2000, the Council adopted new “executive arrangements” under the Local Government Act 2000.

On 13 December 2010 full Council adopted the new ‘strong Leader and Cabinet Executive’

Under these arrangements, most of the Council's functions are the responsibility of an executive, known as the Cabinet. Some functions (such as setting the budget) can only be carried out by the full Council. Regulatory matters such as planning and licensing cannot be the responsibility of the executive, and are carried out by the Council's Planning and Licensing Boards.

Major decisions are made by the appropriate body of the Council in public meetings, which are conducted according to the rules of procedure

applying to that body. Many other decisions are taken by individual members of the Cabinet. Most day-to-day decisions are taken by officers of the Council under powers delegated to them.

Some council functions, such as waste management, have been delegated to joint committees made up of councillors from Mendip and from other local authorities, and decisions relating to those functions are taken by the joint committee.

More information on responsibility for functions – see Section 18

More information on Council meetings – see sections 15 and 16

1.2.4 The Cabinet

The Cabinet is the part of the Council which is responsible for most Council decisions, other than those relating to planning, licensing or other regulatory functions of the Council. The Cabinet is made up of a Leader and up to 9 other councillors. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. There are special rules for urgent decisions.

Meetings of the Cabinet are open to the public except where personal or confidential matters are being discussed. 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 full Council to decide.

Individual members of the Cabinet (known as Portfolio-holders) also have power to take decisions within the areas of responsibility allocated to them.

More information on Cabinet – see Section 5

More information on the Leader and Portfolio-holders – see Section 6

More information on urgent decisions – see Section 17

1.2.5 Overview and scrutiny

The Council has a Scrutiny Board which supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Board also monitors the decisions of the Cabinet. It can 'call-in' for review a decision which has been made by the Cabinet but not yet implemented. This enables the Board to consider whether the decision complies with the policies set by the Council. It may recommend that the Cabinet reconsider the decision. The Scrutiny Board may also be

consulted by the Cabinet or the full Council on forthcoming decisions and the development of policy.

More information on the Scrutiny Board – see Section 7

~~1.2.6 Community Partnerships~~

~~In order to give local citizens a greater say in council affairs, three Community Partnerships (formerly known as Area Boards) have been created, one each for the areas of East Mendip, Central Mendip and West Mendip. These aim to pursue the Council's vision within each area and act as a forum where local issues can be raised. They are made up of all the councillors for each particular area and hold their meetings in public.~~

~~*More information on the Community Partnerships – see Section 10*~~

1.2.67 The Planning Board

This Board performs the Council's role as the local planning authority. It takes decisions on planning applications, enforcement of planning legislation and related matters.

More information on the Planning Board – see Section 8

1.2.7 The Licensing Board

The Licensing Board is responsible for all licensing and registration functions of the Council, including those relating to alcohol and public entertainment, gambling, taxi licensing and functions relating to food safety and environmental health. Many of its licensing functions are carried out by sub-committees of the Board.

More information on the Licensing Board – see Section 9

1.2.8 The Standards Committee

The Standards Committee is responsible for promoting and maintaining high standards of conduct by members of the Council, and by parish councillors in Mendip, and assisting them to observe the Code of Conduct. The Monitoring Officer in consultation with an independent person (external to the Council) assesses whether allegations of misconduct can be dealt with by informal or local resolution or whether they should be investigated. The Monitoring Officer in most circumstances will try to resolve the complaint by informal or local resolution. However where informal or local resolution by the Monitoring Officer is not possible she will instruct a formal investigation unless she feels it is not appropriate for

her to make that decision when she will refer the matter directly to the Standards Committee. In either case this may lead to the complaint being referred to a Hearings Panel (a subcommittee of the Standards Committee) for determination when the investigation is completed.

More information on the Standards Committee – see Section 11

More information on the role of the Monitoring Officer – see Sections 18 and 19

More information on the role of the independent person – see Section 11

More information on the Members’ Code of Conduct – see Appendix A

1.2.9 The Council’s staff

The Council employs paid staff (called “officers”) to give advice, implement decisions and manage the day-to-day delivery of its services. A diagram showing how the officers are organised into different groups can be found in Section 1.3.

Some officers (called “statutory officers”) have a specific duty to ensure that the Council acts within the law and uses its resources wisely. All officers must abide by a code of conduct relating to their employment, and a separate code of practice governs the relationships between officers and members of the council.

More information on officers – see Section 19

Management structure of the Council – see Appendix F

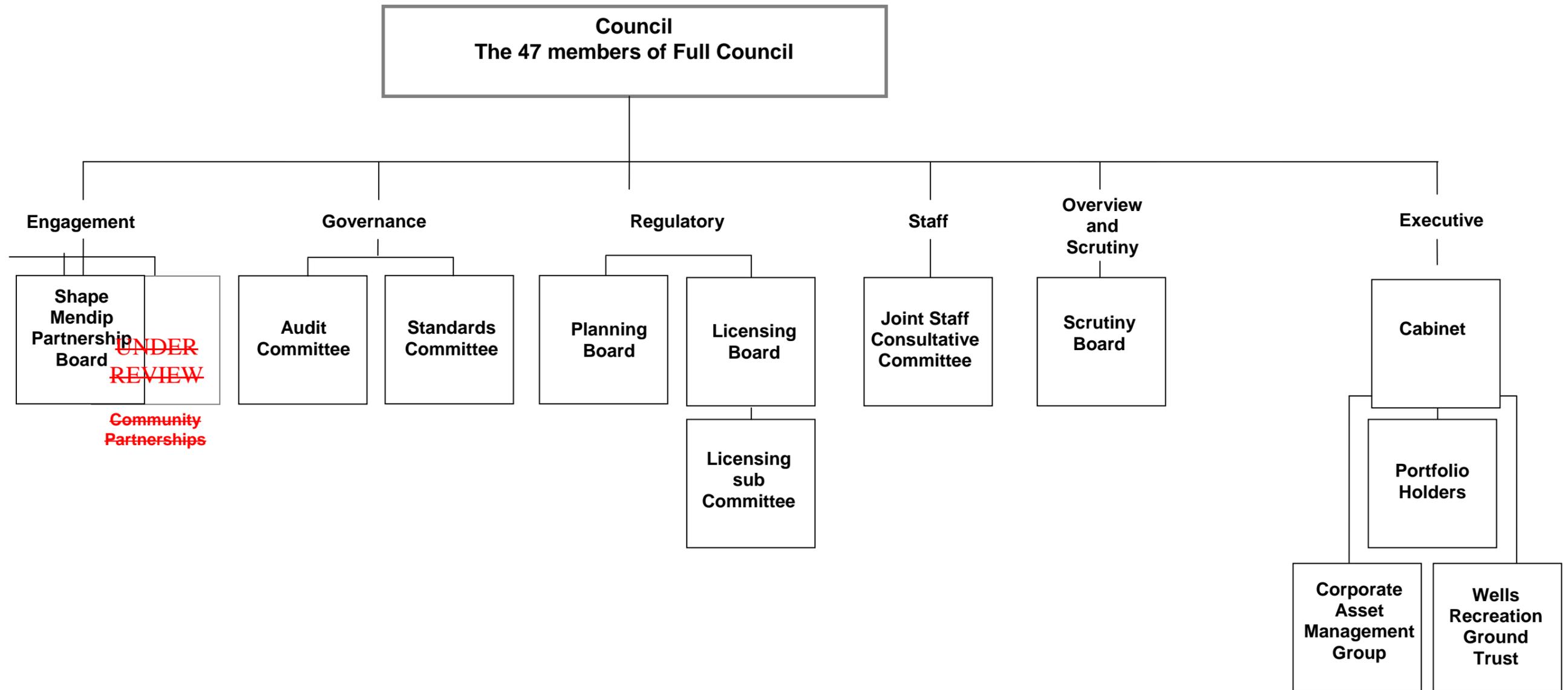
Protocol for officer-member relations – see Appendix E

Officers’ Code of Conduct – see Appendix B

1.3 Structure of the Council

See following diagrams showing (1) Council bodies and (2) groups and teams of the Council.

Council Decision Making Structure



NON EXECUTIVE

SCRUTINY ROLE

EXECUTIVE ROLES

1.4 Explanation of terms

(Terms used only in the Contract Procedure Rules in Section 22 are defined in the separate glossary included with those Rules)

Best Value	A framework for the planning, delivery and continuous improvement of local authority services.
Board	The term used by Mendip District Council to describe certain Council Committees, such as the Scrutiny, Licensing and Planning Boards.
Budget	All the financial resources allocated to different services and projects.
Cabinet	Up to 10 portfolio-holding Councillors, including the Leader and the Deputy Leader, responsible for carrying out almost all of the Council's functions. Also known as the Executive.
Call-in	A mechanism which allows the Scrutiny Board to examine, and challenge, an executive decision (see below) before it is implemented.
Chairman	The Councillor who is elected to chair meetings of full Council, and who acts as the representative of the Council on formal occasions.
Chief Executive	The most senior officer employed by the Council. Also carries the statutory officer role of Head of Paid Service.
Chief Officer	This is another way of describing a <u>Deputy Chief Executive or Corporate Group</u> Manager of the Council and is a term often used in legislation.
CIPFA	The Chartered Institute of Public Finance and Accountancy
Committee	A group of Councillors who are appointed by the full Council to exercise particular functions, such as planning or licensing, and who meet regularly in public to take decisions. Some Mendip Committees are known as Boards.
Community Partnership	Formerly known as an Area Board. This is a Committee of the Council which has responsibility for a particular area of the district and which considers matters relating to that area. Membership of a Community Partnership consists of the councillors for the wards in the area and any co-opted members. There are currently three Community Partnerships.
Confidential Information	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed

	by court order.
Constitution	The document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Co-opted Member	A member of a Council Committee or Sub-Committee who is appointed by the Council rather than elected. Co-opted members are not Councillors and do not all have voting rights.
Corporate Management Team	This comprises the <u>members of the Strategic Leadership Team (see below) and Chief Executive and the Corporate Group Managers</u> and is responsible for the <u>strategic management of the Council managerial leadership of the Council and implementation of the Cabinet policy direction.</u>
Council	This term can be used to describe Mendip District Council as a corporate legal entity or as the collective name for elected councillors in their decision-making role.
Council body	This term includes full Council, the Cabinet, all Boards and Committees, sub-committees and joint committees of the Council (but not working groups).
Councillor	A person who has been elected by the residents of a Ward to serve a term of office as their representative on the Council, also referred to as a Member of the council.
<u>Corporate Group Managers</u>	The most Ssenior officers, after the Chief Executive, each of whom is responsible for a group of Council service departments.
<u>Directorate</u>	A group of service departments forming part of the management structure of the Council.
Executive decision	A decision relating to an executive function (see below) made by Cabinet, a Portfolio-holder or any other Council body
Executive function	A function of the Council which can only be carried out by the Cabinet or under delegated authority from the Cabinet.
Exempt Information	Information falling into one of the categories set out in Schedule 12A of the Local Government Act 1972 which may be withheld from public disclosure.
S151 Officer	The officer responsible for the administration of the financial affairs of the Council; also known as the Corporate Finance Advisor .
<u>Strategic Leadership Team</u>	<u>This comprises the Chief Executive, the Deputy Chief Executives and the Section 151 Officer and is responsible for the Council's Strategic Vision and Direction.</u>
Formal Question	A question which may be asked at a meeting of

	full Council by a member of the public or a councillor. Formal questions may be put either to the Council as a whole or to an individual councillor. They must be in writing and submitted by a specified deadline and will be put before the next meeting of the full Council.
Forward Plan	A schedule of all the Key Decisions the Executive expects to take over the next 4 months or longer period.
Full Council	The collective name for the meeting of all elected councillors in their decision-making role. Council decisions are voted on and policy and budgetary matters considered.
Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council; also known as the Chief Executive.
Internal Auditor	An officer appointed to ensure that the Council's financial and other systems are sufficient to ensure accountability, probity and the prevention of fraud.
Joint Committee	A committee made up of members of different local authorities usually to carry out a specific function.
Key Decision	A decision made by the Cabinet that involves large amounts of money, either spending or saving, or involves more than one ward in the authority. The Cabinet has to announce proposed Key Decisions in advance, through the Forward Plan.
Leader	Usually the head of the largest political group on the council, the Leader is the most high profile elected member in the authority. He or she is elected by the other Councillors and chairs the Cabinet.
Legal Advisor	The Council's Corporate Manager Governance, Assets, Public Spaces and Monitoring Officer for the time being.
Local Agenda 21	A local action plan, which shows how the council will work with its communities towards environmentally friendly sustainable development. It originates from the United Nations Earth Summit in Rio de Janeiro in 1992.
Local authority	The term used to describe a parish, district, county or unitary council.
<u>Manager</u>Supervisor	An officer responsible for the day to day management supervision of one or more of the Council's services.
Member	A person who is elected to serve on the Council, also known as a Councillor.
Monitoring Officer	The officer, the Group Manager for Law and

	<u>Governance, is</u> charged with ensuring that everything that the Council does is fair and lawful. <u>This officer is also the designated Solicitor to the Council for this Council, Taunton Deane Borough Council and West Somerset Council.</u>
Non-executive function	Any Council function that by law may not be carried out by the Cabinet, but must be carried out by full Council or another Council body. Planning and licensing are non-executive functions.
Notice of Motion	A written proposal made to a meeting of the full Council by one or more councillors. A valid Notice of Motion must be made within a specified timescale and must relate to a matter for which the Council has a responsibility or which affects the District.
Officer	A person employed by the Council.
Overview & Scrutiny	This is the role played by councillors who are not members of the Cabinet and who provide support and advice to the Cabinet by contributing to the review and development of policy. It also enables Cabinet decision making to be examined objectively, by elected members not involved in the process. Overview and scrutiny also applies to council services and services provided by external organisations, such as health trusts.
Policy Framework	The principal policies, plans and strategies of the Council, which have to be adopted by the full Council and in accordance with which the Cabinet have to operate.
Portfolio Holder	A member of the Cabinet who carries responsibility for certain specified functions. The Cabinet may delegate decision-making powers to a Portfolio Holder.
Procedure Rules	Detailed rules, which govern how the Council operates and how decisions are taken in relation to particular matters.
Proper Officer	An officer authorised by the Council for a particular purpose or to carry out a particular function
Quorum	The minimum number of people who have to be present before a formal meeting can take place.
Ultra Vires	An act which is one beyond the Council's statutory powers or beyond the terms of its Constitution
Scheme of Delegation	A scheme approved by the Council whereby a Council body, member or officer is authorised to carry out and make decisions upon certain

	specified functions and services.
Scrutiny Board	The Committee of the Council responsible for carrying out the overview and scrutiny role referred to above.
Stakeholder	A person or body other than the Council who has an interest in a particular activity in which the Council is involved and with whom the Council may consult or enter into arrangements.
Statutory Officer	An officer which the Council is required by law to appoint. The Council's Statutory Officers are the Chief Executive (as Head of Paid Service), the S151 Officer and the Monitoring Officer.
Virement	Moving funds from one area of expenditure to another.
Ward	An electoral division of the Council's area.
Ward Member	A councillor elected to represent a Ward.