

Part 1

Summary and Explanation

Summary and Explanation

The Council's Constitution

West Devon Borough Council has 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 decide.

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 in Parts 3 to 6 of this Constitution.

What is in the Constitution?

Article 1 of the Constitution commits the Council to principles of good governance, community leadership, public involvement and efficient, effective, transparent and accountable decision-making. Articles 2 to 14 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- Hub Committee (Article 6)
- Regulatory Bodies, Committees, Panels and Working Groups (Article 7)
- Overview and Scrutiny (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision Making (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)

Part 3 of the Constitution contains the description of the functions of the Council and how they are carried out – whether by the Council itself, a Committee, or officers.

Part 4 contains the Rules by which the Council and its Committees work, and how information can be made available to the public.

Part 5 contains Codes and Protocols governing the conduct of Members and Officers of the Council.

Part 6 contains the scheme for Members’ Allowances.

How the Council operates

The Council is composed of 31 Councillors (also called ‘Members’) elected every four years. Councillors are democratically accountable to residents of their Ward. The overriding duty and accountability of Councillors is to the whole community in the West Devon Borough, but they have a special duty to their constituents in their Ward, 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. The Standards Committee is responsible for ensuring that Members are sufficiently trained on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, Councillors decide the Council’s overall policies and set the budget each year.

There is a list of functions that are reserved to the Council (in Article 4). Many other functions are delegated to bodies of the Council or officers (see below), but the Council may determine those matters not within the remit of any of its reporting bodies.

Council meetings may include formal decision making, wider debates and presentations. The Council may also meet informally in workshops and seminars.

How decisions are made

Most day-to-day and operational decisions are made by Committees or Senior Officers of the Council under delegated authority. The Council has the following Committees:

Audit Committee	Overview & Scrutiny Committee
Development Management & Licensing Committee	Standards Committee
Hub Committee	Invest to Earn Committee

Part 3 of the Constitution sets out the terms of reference for each of these Committees together with the Delegation Scheme.

Meetings of the Council’s Committees are, by law, publicised well in advance and are open to the public except where personal or confidential matters are being discussed. The Access to Information Procedure Rules in Part 4 of the Constitution contain details of when the public may be excluded from meetings.

Audit Committee

The Audit Committee has a specific role in relation to the Council's financial affairs including the internal and external audit functions and monitors the internal workings of the Council (known broadly as 'governance'). It is responsible for making sure that the Council operates in accordance with the law and within laid-down procedures, and is accountable to the community for the spending of public money.

Hub Committee

The Hub Committee has a key role in proposing the Council's budget and policy framework and making decisions within that framework. It also provides leadership to the overall activities of the Council and has responsibility for those matters not reserved to Council or the Overview & Scrutiny Committee, Standards, Audit or Development Management & Licensing.

Overview & Scrutiny Committee

The Overview & Scrutiny Committee supports the work of the other Committees and the Council as a whole. It reports (and is accountable) to the Council. The Overview & Scrutiny Committee has an input into policy and performance and monitors the decisions of the Hub Committee. It can "call-in" a decision which has been made but not yet implemented in order to consider whether the decision is appropriate and may recommend that the Hub Committee or Council should reconsider the decision. The Overview & Scrutiny Committee may also be consulted by the Hub or other Committees on forthcoming decisions and the development of policy.

Development Management & Licensing Committee

Development Management & Licensing is a 'regulatory committee', and deals with applying legislation and statutory regulations which have a degree of public or environmental protection. This Committee deals with:

- Development Management which deals with planning matters
- Licensing which deals with licences for alcohol, gambling, entertainment, taxis and a host of other things.

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. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely (see article 10). Protocols set out in Part 5 govern the relationships between Members of the Council and Officers.

Citizens' rights

Citizens have a number of rights in connection with 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.