

**PART 1**

**SUMMARY AND  
EXPLANATION**



## **Part 1: SUMMARY AND EXPLANATION**

### **1. What the Constitution is for**

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

1.1. This Constitution sets out how the Tunbridge Wells Borough Council ('the Council') operates, how decisions are made and the procedures which are followed to ensure they 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 choose. The Constitution provides a framework within which a system of rules is established, the purpose of which is to:

- 1.1.1. enable the Council to provide clear leadership to the community;
- 1.1.2. work in partnership with citizens, businesses and other organisations;
- 1.1.3. support the active involvement of citizens in the process of local authority decision making;
- 1.1.4. help councillors represent their constituents more effectively;
- 1.1.5. enable decisions to be taken efficiently, effectively and fairly with stated reasons;
- 1.1.6. create a powerful and effective means of holding decision makers to public account;
- 1.1.7. provide excellent standards of ethics and probity in decision making;
- 1.1.8. ensure effective checks and balances in decision making and scrutiny of decisions that have been made;
- 1.1.9. ensure those responsible for decision making are clearly identifiable to local people;
- 1.1.10. provide a means of improving the delivery of services and securing best value in the delivery of services for the local community.

### **2. What is in the Constitution?**

2.1. The Constitution is divided into eight parts as follows:

2.1.1. Part 1 details the purpose and contents of the Constitution, and arrangements for keeping it up to date. Appendix A to Part 1 provides a glossary of terms used within the document.

2.1.2. Part 2 sets out broad details of how the Council works, including the role of officers and councillors, and other members, the rights and responsibilities of citizens and decision-making procedures.

2.1.3. Part 3 details roles, responsibilities and delegations of the Full Council, its Committees and Sub-Committees, and officers of the Council.

2.1.4. Appendix B of Part 3 sets out the Council's rules governing the procedures for functions delegated to officers responsible to the Council.

2.1.5. Part 4 sets out the Council's rules governing the procedures for all meetings of the Full Council, its Committees and Sub-Committees.

2.1.6. Part 5 sets out the Council's rules governing the procedures for rules other than for meetings.

2.1.7. Part 6 details the codes and protocols appropriate to members and officers.

2.1.8. Part 7 sets out the Members' Allowances Scheme and details of members' role descriptions and competencies.

2.1.9. Part 8 contains miscellaneous guidance notes.

## **2.2. How the Council operates**

2.2.1. The Council is composed of ward councillors with one-third elected three years in four. 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.

2.2.2. Councillors and independent members are required to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council's Standards Committee trains and advises them on the code of conduct.

2.2.3. All councillors meet together as the Council. Meetings of the Council are open to the public except when confidential or exempt information is being discussed. Here councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Leader and members of the Cabinet; in Tunbridge Wells the executive is called the Cabinet and comprises the Leader of the Council together with up to 9 other members who are appointed by the Council. The Council also appoints the members of Overview and Scrutiny Select Committees and all other committees of the Council including the Standards Committee, Licensing Committee, General Purposes Committee, Audit Committee, Eastern Area Planning Committee and Western Area Planning Committee. The Council considers recommendations made to it by Cabinet and other committees regarding any changes in policy. A fuller description of the work of the Council is provided in Part 3 of this Constitution.

2.2.4. The Council also appoints independent members to improve transparency and to ensure that a non-partisan approach is taken in certain Council committees.

### **2.3. How Decisions Are Made**

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. When key decisions are to be discussed or made, they are published in the Forward Plan in so far as they can be anticipated. If these key decisions are to be discussed with Council officers at a meeting of the Cabinet, this will be open for the public to attend except where confidential or exempt information is being discussed. The Cabinet are expected 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 (as explained in Part 3), this must be referred to the Council as a whole to decide.

### **2.4. Overview and Scrutiny**

2.4.1. The Overview and Scrutiny Select Committees operate independently of the Cabinet and the executive decision making, so councillors who are Select Committee members (or substitute members) are not also in the Cabinet.

2.4.2. The Overview and Scrutiny function comprises three select committees: Economy and Governance Select Committee, Communities and Partnership Select Committee and Environment, Housing and Health Select Committee. A Select Committee Management Group co-ordinates the work of the Select Committees to avoid duplication, develop and review guidelines and procedures and produce an annual report.

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

The Council has people working for it (called 'officers') 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 code of practice or "protocol" governs the relationships between officers and members of the Council.

## **3. Interpreting the Constitution and keeping it up to date**

3.1. This Constitution is the Constitution of the Tunbridge Wells Borough Council. The Council will exercise all its powers and duties in accordance with the law and this Constitution. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above.

3.2. The Council will monitor and evaluate the operation of the Constitution.

## Appendix A to Part 1

**Glossary of Terms**

<b>Term</b>	<b>Meaning</b>
Budget	All the financial resources allocated to different services and projects.
Cabinet	The Leader and up to 9 Members who form the Executive.
Call-in	A mechanism which allows the Overview & Scrutiny Select Committees to examine, and challenge, an executive (Cabinet) decision before it is implemented.
Champion	Member appointed to act as advocate to help promote specific projects or issues.
Council	Statutory body made up of 48 Councillors.
Citizen	In this context, primarily but not exclusively, an enfranchised inhabitant of the Borough.
Section 151 Officer	The officer responsible for the administration of the financial affairs of the Council; also known as the Head of Finance and Governance, or in his/her absence the Financial Services Manager, in accordance with the Local Government Act 1972.
Constitution	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
DCLG	Department for Communities and Local Government.
Exempt Information	Information falling into one of 7 categories set out in the Local Government (Access to Information) (Variation) Order 2006 which usually cannot be publicly disclosed – see the Access to Information Procedure Rules.
Forward Plan	A schedule of all the Key Decisions the Executive and Committees expect to take over the next 4 months.
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.

Directors	<p>Director of Regeneration and Sustainability - Responsible for Planning, Sustainability and Economic Development.</p> <p>Director of Change and Business Support - Responsible for Financial Services, Overview and Scrutiny, Performance Management, Committee and Democratic Services, Legal Services, Human Resources, Transformation and Delivery, Customer Access and Customer Care and Communications.</p>
Heads of Service	<p>Head of Finance and Governance, Head of Economic Development, Head of Sustainability, Head of Planning, Head of Customer Access, Transformation and Delivery, Head of Policy and Partnership and Head of Community and Corporate Planning.</p>
Joint Committee	<p>A body appointed under Section 101 of the Local Government Act 1972.</p>
Key Decision	<p>A “key decision” means an executive decision which is likely to:</p> <p>(i) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or</p> <p>(ii) be significant* in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.</p> <p>(see: The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, Regulation 8.)</p> <p>[*“Significant” means £250,000 or more when applied to expenditure or savings in a particular budget. In determining the meaning of “significant” for the purposes of paragraph (a) above, regard is to be had to any guidance for the time being issued by the Secretary of State, in accordance with section 38 of the Local Government Act 2000.]</p>

