

# PART 1 SUMMARY AND EXPLANATION

The Constitution is the Council's Code of Corporate Governance 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 prescribed by the law, others are matters for the Council's discretion or have evolved in light of experience.

The Constitution opens with 16 articles which set out the basic rules governing all aspects of the working of the Council (Part 2).

It is then divided up into:

- (a) all the elements which define the Council's internal organisation, standing orders, financial regulations, schemes of delegation and terms of reference, procedures covering cabinet and scrutiny, risk management and codes of conduct (Parts 3–9);
- (b) working practices which supplementing these formal rules (Part 10);
- (c) documents which focus on the Council's external operation through service delivery, community engagement and partnership working (Part 11).

## Contents

**Article 1** commits the Council to govern the County in accordance with the law and this Constitution. The Council aims to:

- represent, promote and champion the interests of Devon and to work to improve the social, economic and environmental wellbeing of its people;
- play a key role in delivering local services and by working in partnership to identify needs and to find solutions to local issues;
- recognise and value all individuals and progress policies which value their diversity, promote equal opportunities and improve their care and welfare.

**Articles 2–16** explain the rights of the people of Devon and how the key parts of the Council operate, as follows:

2	Members of the Council
3	The People of Devon and the Council
4	The Council
5	Chairing the Council
6	The Cabinet
7	Overview and Scrutiny Committees
8	Regulatory and other Committees
9	The Standards Committee
10	Area Committees and Forums
11	Joint Arrangements
12	Officers
13	Decision Making
14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
16	Suspension, Interpretation and Publication of the Constitution

## **How the Council Operates**

The Council is currently composed of 62 councillors. Councillors are democratically accountable to the residents of their electoral divisions. 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. The Council's Standards Committee trains and advises them 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. The Council appoints the Leader of the Council, Scrutiny Committees, the Standards Committee and all other committees. It receives the minutes of committees, and has power to vary or refer back decisions which are outside established policy. From time to time it also debates issues of particular relevance or topicality for the County.

## **How Decisions are Made**

The Cabinet is the part of the Council responsible for most day-to-day decisions. It is made up of a Leader and no more than nine other members (Cabinet Members), appointed by the Leader of the Council. 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 foreseen. These major decisions will be taken with council officers present at meetings of the Cabinet which will be open to the public except where personal or confidential information is 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 matter must be referred to the full Council to decide.

## **Scrutiny**

Scrutiny Committees support the work of the Cabinet and the Council as a whole. They look at the effectiveness of the Council's own policies and inquire into matters of local concern. These investigations lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service provision. Scrutiny Committees also monitor the Cabinet's decisions. They can "call in" a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate and they may recommend that the Cabinet reconsiders it. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## **Area Committees**

To enable local people to have a greater influence over Council affairs, a number of Local Strategic Partnerships have been created to work with other local authorities and organisations in their respective areas. These are based on District Council areas and are responsible for overseeing the development of community planning in those areas.

## **The Council's Staff**

The Council has employees (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 Council.

## **Rights of Members of the Public**

Members of 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, others depend on or derive from the Council's own processes. Local Citizens' Advice Bureaux can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a client of Social Care Services, they have additional rights not covered in this Constitution.

Members of 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 this Constitution;
- attend meetings of the Cabinet and of the Council and its committees except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- ask questions at meetings of the Council, the Cabinet and the Standards Committee and make representations to the Development Management Committee, Highways and Traffic Orders Committees and the Public Rights of Way Committee, in accordance with the scheme set out at Part 4 of this Constitution, and submit written representations;
- submit petitions in accordance with the Council's Petition Scheme set out at Part 4 of this Constitution;
- contribute in writing or orally by invitation to investigations carried out by Scrutiny Committees;
- find out from the Cabinet's Forward Plan what major decisions are to be discussed or decided by the Cabinet and when;
- see reports and background papers and any record of decisions made by the Council and Cabinet as described in the Access to Information Procedure Rules in Part 4 of this Constitution;
- complain to the Council about problems with the services they receive;
- 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 process;
- complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by members of the public in its work. For further information on any of the rights listed above please contact:

Local Government Information Centre,  
County Hall,  
Topsham Road,  
Exeter  
EX2 4QD

Telephone: (01392) 383206 or 380101

Email: [centre@devon.gov.uk](mailto:centre@devon.gov.uk)