

Part 1

Summary and Explanation

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THE COUNCIL'S CONSTITUTION

Hart District Council has agreed a Constitution that sets out: -

- how the Council operates;
- how decisions are made; and
- the procedures which are followed to ensure that decisions are efficient, transparent and accountable to local people. The law requires some of these processes, while others are up to the Council to choose.

The Constitution is divided into 16 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 included elsewhere in the document.

WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to efficient and effective decision-making which is transparent, accountable and encourages community involvement. Articles 2-15 explain the rights of citizens and how the key parts of the Council operate. These are:

- * Members of the Council (Article 2).
- * The people of Hart and the Council (Article 3).
- * Full Council (Article 4).
- * Chairing the Council (Article 5).
- * Overview and Scrutiny (Article 6).
- * The Cabinet (Article 7).
- * Committees of the Council (Article 8).
- * The Standards Committee (Article 9A).
- * The Staff and General Purposes Committee (Article 9B)
- * Regulatory and other committees (Article 9C)
- * Joint arrangements (Article 10).
- * Officers (Article 11).
- * Decision-making (Article 12).
- * Finance, contracts and legal matters (Article 13).
- * Review and revision of the Constitution (Article 14).
- * Suspension, interpretation and publication of the Constitution (Article 15).

HOW THE COUNCIL OPERATES

The Council is composed of 35 councillors, who are elected as described in Article 2. 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 that will ensure high standards in the way they undertake their duties. The Standards Committee will train and advise 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 provides a focus for debate about the performance of the Cabinet. The public has an opportunity to question the Council, during Question Time.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet (including the Leader) comprises the Leader and between two and nine other councillors who are appointed by the Leader. 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. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except when personal or confidential matters are being discussed. The Cabinet has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

The Overview and Scrutiny Committee 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 when appropriate. These can lead to reports and recommendations that advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The main responsibility of the Committee will be to provide an overview and scrutiny function in respect of decisions taken by the Cabinet, the Council and the Council's committees. This Committee can 'call-in' a decision that has been made by the Cabinet but not yet implemented. It will also have to examine decisions made by the Council and, in some cases, officers, or where other councillors have "called in" these decisions. It will consider whether the decision is appropriate and it may recommend that the decision be reconsidered. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The 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. There is a protocol, in Part 5, which governs the relationships between officers and Members of the Council.

People's Rights

Everyone who lives and works in Hart has 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, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

People who live and/or work in Hart have the right to:

- * vote at local elections if they are registered; if you need advice about this, please contact the Council's Elections Section.
- * contact their local councillor about any matters of concern to them;
- * obtain a copy of the Constitution;
- * attend meetings of the Council and its committees¹ except when, for example, personal or confidential matters are being discussed;
- * petition to request a referendum on a mayoral form of executive;
- * participate in the question time at Council, and contribute to investigations by the Overview and Scrutiny² Committee;
- * contribute to the Council's Planning Committee's consideration of major planning applications, by way of the Council's Public Speaking Scheme;
- * find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- * attend meetings of the Cabinet that will be held in public except when personal or confidential matters are being discussed;
- * see reports and background papers, and any record of decisions made by the Council and Cabinet;
- * complain to the Council if they think it has:
 - failed to do something it should have done;
 - done something badly, or done something it should not have done;
 - treated them unfairly or discourteously; or
 - been guilty of "maladministration";
- * complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints process;
- * complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and

¹ Reference to Policy Panel deleted to reflect Council decision 26th April 2007

² Reference to Scrutiny Committee amended to reflect Council decision 26th April 2006

- * inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by everyone in its work. For further information on your rights, please contact the Council's Support Unit at:

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Civic Offices
Harlington Way
FLEET
Hampshire GU51 4AE
Tel: (01252) 622122
Email: rod.hursthouse@hart.gov.uk

Part 4 of this Constitution contains information on the rights to inspect agendas and reports and attend meetings.