

SUMMARY AND EXPLANATION

The Council's Constitution

New Forest District Council has agreed 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 choose.

The Constitution is divided into a main constitution document and 5 Sections, which together set out the basic rules for governing the Council's business. The Sections are divided into Chapters, to which the main constitution document cross-refers. Paragraphs in the main document show the number of the Chapter that contains further information on the subject.

How the Council operates

The Council is composed of 60 Councillors elected every four years. Councillors are democratically accountable to residents of their wards. The overriding duty of councillors is to the whole community, but they have a special duty to all their constituents.

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 Council. Meetings of the Council are open to the public, except in some special circumstances. The Council decides its overall policies and sets the budget and council tax each year. The Council appoints the Chairman and the Vice-Chairman of the Council, and also the political leader (known as the Leader of the Council). The Leader of the Council decides the size of the Cabinet, the content of Cabinet portfolios, and appoints the members of the Cabinet.

How Decisions are made

The Executive is the part of the Council that is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council and a number of Cabinet members. The Leader of the Council is appointed by the Council, and the Leader appoints the members of the Cabinet. When major, or "key" decisions are to be discussed or made, these are published in the forward plan, in so far as the discussions can be anticipated. Meetings of the Council, the Executive and most other meetings are open to the public, except where personal or confidential matters are being discussed. The Executive has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget and outside certain financial tolerances allowed by the Council's Financial Regulations, the matter must be referred to the Council to decide.

Overview and Scrutiny

Overview and Scrutiny Panels support the work of the Executive and the Council as a whole. They advise the Executive on policy decisions and on other important issues such as the budget. They may also hold investigations into matters of local concern. These can lead to reports and recommendations that advise the Executive and the Council as a whole on policies, budget and service delivery. The Panels also monitor the decisions of the Executive. They can "call in" a decision which has been made by the Executive but which may not yet have been implemented. This enables them to consider whether the decision is

appropriate. They may recommend that the Executive reconsiders the decision. They may also review the work of the Committees of the Council.

Committees

There are a number of functions of the Council which may not be the responsibility of the executive. These are, broadly, regulatory matters such as planning and licensing applications, health and safety, audit, elections and electoral registration matters, making bye-laws, and various other miscellaneous functions. These are dealt with by Committees of the Council.

The Council's Employees

The Council has people (called "officers") working for it 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 conduct governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own practices. Where members of the public use specific Council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

1. Vote at local elections if they are registered;
2. Contact their local councillor about any matters of concern to them;
3. Obtain a copy of the Constitution;
4. Attend meetings of the Council, the Executive, Committees and Panels except where, for example, personal or confidential matters are being discussed;
5. Petition to request a referendum on a mayoral form of executive;
6. Speak at meetings of the Executive, Committees and Panels, within the scheme of public participation agreed by the Council;
7. Find out, from the forward plan, what key decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
8. See reports and background papers, and records of decisions made by the Council, the Executive, Committees, Panels and officers;
9. Complain to the Council if they feel that the Council or its employees have acted inappropriately;
10. 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;
11. Complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
12. Inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Rosemary Rutins, Democratic Services Manager. She can be contacted -

By telephone, no. (023) 8028 5588

By fax, no (023) 8028 5555

By e-mail: rosemary.rutins@nfdc.gov.uk

Or if you wish to write, at

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