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.

Amending the Constitution

Unless anything in this Constitution provides otherwise, only the Council may amend this Constitution. The Council shall take into account a recommendation from the Cabinet, and the views of any Overview and Scrutiny Panels and Committees that will be affected by the amendment. The Cabinet shall make a recommendation to the Council in respect of any proposal for amendment submitted to it by an Overview and Scrutiny Panel or Committee. All amendments shall comply with the requirements of the Local Government Acts and regulations thereunder. If the Constitution is found not to comply, the Chief Executive and the Monitoring Officer can take all necessary steps to ensure compliance without recourse to full Council, the Cabinet or Panels.

Purpose

The Constitution is divided into sections, which together set out the basic rules for governing the Council's business.

The purpose of the Constitution is to:

(a) enable the Council to provide clear leadership to the community in promoting their environmental, economic and social well being, in partnership with citizens, businesses and other organisations;
(b) support the active involvement of citizens in the process of local authority decision-making;
(c) help councillors represent their constituents more effectively;
(d) enable decisions to be taken efficiently and effectively;
(e) create a powerful and effective means of holding decision-makers to account;
(f) ensure that no-one will review or scrutinise a decision in which they were directly involved;
(g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
(h) provide a means of improving the delivery of services to the community.

How the Council operates

The Council is composed of 48 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 Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet is made up of the Leader of the Council and a number of Cabinet members, also known as Portfolio Holders. 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 Cabinet and most other meetings are open to the public, except where confidential or exempt matters are being discussed. The Cabinet has to make decisions that are in line with the Council's overall policies and budget. Individual Cabinet Members also have the power to take decisions within their 'Portfolio' responsibilities. If the Cabinet or a Portfolio Holder 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 Cabinet and the Council as a whole. They advise the Cabinet 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 Cabinet and the Council as a whole on policies, budget and service delivery. The Panels also monitor the decisions of the Cabinet. They can "call in" a decision which has been made by the Cabinet but which may not yet have been implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet 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 Cabinet. 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:

(a) Vote at local elections if they are registered;
(b) Contact their local councillor about any matters of concern to them;
(c) Obtain a copy of the Constitution;
(d) Attend meetings of the Council, the Cabinet, Committees and Panels except where, for example, personal or confidential matters are being discussed;
(e) Petition to request a referendum on a mayoral form of executive;
(f) Speak at meetings of the Cabinet, Committees and Panels, in accordance with the scheme of public participation agreed by the Council;
(g) Find out, from the forward plan, what key decisions are to be discussed by the Executive or decided by the Cabinet or officers, and when;
(h) See reports and background papers, and records of decisions made by the Council, the Cabinet, Committees, Panels and Officers;
(i) Complain to the Council if they feel that the Council or its employees have acted inappropriately;
(j) 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;
(k) 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
(l) 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 Democratic Services:-
By telephone, no. (023) 8028 5834
By e-mail: democratic@nfdc.gov.uk

Or if you wish to write, at
Chief Executive's Department
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

Interpretation

For the purposes of this Constitution, the following definitions, except where otherwise stated, shall apply:-

Budgets – means the preparation of the annual budget of the Council which is to be used for the purposes of setting the Council Tax, all the components of the budget, such as budgetary allocations to different services and projects, proposed taxation levels, contingency funds (reserves and balances), and any plan or strategy for the control of the Council's borrowing or capital expenditure.

Cabinet – means the formal body consisting of the Leader, and those councillors appointed to the executive by the Leader.

Chief Executive – The Head of the Council's Paid Service under Section 4 of the Local Government Housing Act 1989.

Chief Finance Officer – means the Officer appointed by the Council under Section 151 of the Local Government Act 1972 with responsibility for the proper administration of the Council's Officers.

Committees – means Committees comprising of only Councillors as voting Members established by the Council to undertake any of its functions.

Council – means the Members of the Council acting together at formal meetings convened under the provisions of the Local Government Act 1972 or its successors.

Forward plan – means a document containing particulars of matters on which key decisions are likely to be made, as prescribed in the Local Authorities ((Executive Arrangements) (Meetings and Access to Information) Regulations.

Key decision – means an executive decision which is likely either:

a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.

For the purposes of (a) above, "significant" is defined by the Council as being a financial decision which required a Cabinet decision in accordance with the Council's Financial Regulations.

Key Policy Framework – means a list of plans and strategies which are relevant to the Council's functions and are required by law to be determined by the Council, in addition to plans and strategies that the Council wishes to add.

Leader – means the Councillor elected as leader of the executive by the Council.

Monitoring Officer – means the Officer appointed under Section 5 of the Local Government and Housing Act 1989.

Panel – means Overview and Scrutiny Panel.

Portfolio Holder – means a Councillor appointed by the Leader as responsible for a specific Portfolio, also known as a Cabinet Member.

Portfolios – means activities which are the responsibilities of Portfolio Holders.