

# **PART 1**

## **SUMMARY AND EXPLANATION**

## **THE COUNCIL'S CONSTITUTION**

Lichfield District Council has 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. Others are based on choices made by the Council.

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 Part 4.

## **WHAT'S IN THE CONSTITUTION?**

Article 1 of the Constitution commits the Council to managing its affairs in the best interests of its community. Articles 2 – 16 explain the rights of residents and how the key parts of the Council operate. These are:

- Councillors (Article 2);
- Residents and the Council (Article 3);
- The Council (Article 4);
- Chairing the Council (Article 5);
- Overview and Scrutiny Committee (Article 6);
- The Cabinet (Article 7);
- Planning and other committees (Article 8);
- Panels and Forums (Article 9);
- The Audit and Member Standards Committee (Article 10);
- Joint arrangements (Article 11);
- Officers (Article 12);
- Decision making (Article 13);
- Finance, Contracts and Legal Matters (Article 14);
- Review and revision of the Constitution (Article 15);
- Suspension, interpretation and publication of the Constitution (Article 16).

## HOW THE COUNCIL OPERATES

The Council comprises 47 councillors (sometimes referred to as Members) elected every four years. 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.

An up to date list of Councillors can be viewed on the Council's website (<http://www.lichfielddc.gov.uk/>) and at the Council Offices, Lichfield. The last whole Council election was held in May 2019.

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, set the budget and Council Tax each year. The Council is also responsible for appointing the Leader of the Council who then appoints an Executive (together formally entitled "the Cabinet") and for appointing Committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, (Overview & Scrutiny Committee) while others discharge regulatory responsibilities or other functions which by law may not be discharged by the Cabinet (also known as an executive), for example planning and licensing.

The Council also deals with other matters including those reserved to it by Law, all matters dealt with by the Council, as a whole are listed in Article 4.

The Leader of the Council determines the size of and appoints between 2 and 9 members of the Council to the Cabinet. These members are known as Cabinet Members. The Leader also allocates areas of responsibility to members of the Cabinet and may remove them from the Cabinet at any time.

The Leader is required to appoint one of the members of the Cabinet to be his or her deputy in line with their group protocols.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties.

## HOW DECISIONS ARE MADE

The Leader of the Council ("the Leader") is responsible for the discharge of executive functions. The Leader may delegate some or all of those functions to members of the Cabinet and to others.

Meetings of the Cabinet will generally be open for the public to attend except where personal or confidential matters are being 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 must be referred to the Council as a whole to decide. Further details on the role of the Cabinet can be found in Part 2 Article 7 of this Constitution. Details of the areas of responsibilities held by the Cabinet

Members and the powers and duties of the Committees/Sub-Committees can be found in Part 3 of this Constitution.

## **OVERVIEW AND SCRUTINY**

The Council appoints an Overview and Scrutiny Committee to support the work of the Cabinet and the Council as a whole.

This Committee carries out the scrutiny function on behalf of the Council with support from Scrutiny Task Groups as and when required full details can be found in Part 2 Article 6.

They allow a wider involvement in Council business by involving all members, non-councillors from the wider public sector, voluntary and community groups to help them in their work. They review key areas of focus and if they so consider may make reports and recommendations to the Cabinet and the Council as a whole on its policies, budget and service delivery.

## **PLANNING AND OTHER COMMITTEES**

The Council has appointed a Planning Committee and a Regulatory and Licensing Committee to deal with matters mainly relating to applications from individuals for consents, approvals and permissions from the Council and a number of other similar functions.

It has also appointed an Audit & Member Standards Committee to deal with financial reporting, risk management, internal and external audit matters and matters relating to the Code of Conduct for Members and various governance related issues. Full details can be found in Part 2 of this Constitution.

## **THE COUNCIL'S STAFF**

The Council has people working for it (referred to as '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. The Council's most senior member of staff is the Chief Executive. A protocol (to be found in Part 5) governs the relationship between employees and Members. A chart setting out the responsibilities of the cabinet members and senior officers can be seen [here](#).

## **WORKING IN PARTNERSHIP**

The Council works in partnership with other organisations to provide seamless, high quality services to its residents and businesses. Further details of the formal partnership arrangements can be found at Part 2 Article 11 of this Constitution.

## **RESIDENTS' RIGHTS**

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Part 2 Article 3 of this Constitution. Some of these are legal rights, whilst

others depend on the Council's own processes. . Where members of the public use specific council services, they may have additional rights. These are not covered in this Constitution.

Residents 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 Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- attend meetings of the Cabinet and other committees (except where, for example, personal or confidential matters are being discussed);
- see reports and background papers, and any record of decisions made by the Council and the Cabinet subject to safeguards concerning sensitive matters;
- complain to the Council about any matter for which the Council is responsible. The Council has a formal complaints procedure to assist someone to do this details of the procedure can be found on the Council's website;
- 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 Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members;
- inspect the Council's accounts and make their views known to the external auditor;
- obtain names of the political groups of Councillors.

The Council welcomes participation by members of the public in its work.

Copies of documents available to the public are published on the Council's website. The website also includes the Forward Plan, agendas, reports, decision notices and minutes of the Council, the Cabinet, Cabinet Members, Committees and Sub-Committees Major Policy Documents are also made available on the website ([www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)).

## **DIAGRAM OF THE STRUCTURE OF THE COUNCIL**

The structure is set out in the diagram below. The structure has 7 main elements.

The Council (all 47 Councillors)

The Cabinet – the Leader of the Council plus 7 Cabinet members appointed by the Leader of the Council, one of whom is designated as Deputy Leader of the Council.

Planning Committee (15 Councillors)

Regulatory and Licensing Committee (13 Councillors)

Audit & Member Standards Committee (9 Councillors)

Overview & Scrutiny Committee (14 Councillors – who are not members of the Cabinet);

Employment Committee (10 Councillors)

# Council

