

Part 1 – Summary and Articles

Summary and explanation

On 1 April 2019 a new Dorset Council took on responsibility for local government services previously delivered in Dorset through five district councils and a county council.

Dorset Council and its counterpart the Bournemouth Christchurch and Poole Council are the first new councils to be formed in England in a decade.

The Local Government Act 2000 requires a council to set out in a constitution how the council operates. Forming a new Dorset Council has provided an opportunity to start afresh. With a minimum of bureaucracy the purpose of this constitution is to provide an efficient and effective framework for:

- How the Dorset Council operates
- How its decisions are made and
- The procedures and rules which will be followed.

Some of the rules and procedures explained in this constitution are required by the law and are needed to ensure that those responsible for important public services are accountable and make their decisions in the public interest.

Wherever possible though the constitution uses plain English because the intention is to provide a clear and accessible explanation of how the council operates.

The first major review of the Constitution took place at the beginning of 2020 so that changes could be introduced with effect from the annual council meeting.

Dorset Council is a learning organisation and is committed to improving the arrangements described in this constitution. If you have suggestions for how the constitution of Dorset Council can be improved then please contact Jonathan Mair, Monitoring Officer.

CONSTITUTION OF THE COUNCIL

This Constitution sets out how Dorset 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 16 articles, which set out the basic rules governing the Council's business. More detailed procedures and some of the Council's codes of practice are provided in separate rules and protocols at the end of the document.

What is in the Constitution?

Article 1 of the Constitution commits the Council to ensure that decisions are taken in an effective and efficient manner and that those responsible for decision-making are clearly identifiable to the public. Articles 2 – 16 explain the rights of members of the public and how the key parts of the Council operate.

- Members of the Council (Article 2)
- Members of the Public and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Executive (Article 6)
- Overview Committees and Scrutiny Committees (Article 7)
- Committees and Boards (Article 8)
- Standards (Article 9)
- Community Engagement (Article 10)
- Other 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 is composed of 82 councillors (referred to as Members) normally elected every four years. The first two terms will each be of five years, commencing in 2019. Members are democratically accountable to residents of their ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Members meet together as the Council. Formal meetings of the Council are open to the public except in relation to certain exempt or confidential matters. Here Members decide the main policies of the Council and set the budget each year. The Council approves the creation of Committees and Committee membership from nominations by political groups (unless in any year the Council dis-applies political balance rules). The Council also appoints one Member to be its Leader.

Strategic decisions

The Council operates a Cabinet and Leader governance model by which all executive powers vest in the Leader. The Leader then makes arrangements for others to be able to exercise executive powers on his or her behalf.

The Executive (also sometimes referred to as the Cabinet) is made up of the Leader plus a membership of between 2 to 9 (inclusive) other Members appointed by the Leader. Political balance requirements do not apply to the Executive.

When executive Key Decisions are to be made, these will normally be published on a Forward Plan, in so far as they can be anticipated.

The Executive usually takes the lead in deciding a number of strategic matters. Formal meetings of the Executive are open for the public to attend except where certain exempt, confidential or private matters are being discussed.

Certain types of decision which have been identified as being of particular importance and are expressly reserved to Full Council to decide (see - Article 4 Full Council – Part 1 of the Constitution). Such matters will often be considered by the Executive in advance who will then make recommendations for Full Council to consider.

Overview and Scrutiny

The Council has 2 Overview Committees and 2 Scrutiny Committees that support the Council. The Overview Committees and the Scrutiny Committees each have themes to which they give specific focus and each play an important role in reviewing and scrutinising the Council's policies, budget and service delivery. The Overview Committees and the Scrutiny Committees operate on their own initiative but the Overview Committees may also be consulted by Leader/Executive or the Council on forthcoming decisions and the development of policy.

The Council operates a 'call-in' procedure in respect of executive decisions. Call-in enables certain decisions that have been made but not yet implemented to be called in for review by a Scrutiny Committee which can then make recommendations to the Leader/Executive.

Other arrangements

In addition to its Overview Committees and its Scrutiny Committees, the Council has a number of other committees which make decisions, for instance deciding planning applications. The Council also has a Health and Well-Being Board through which the Council works with external partners.

The Council has also entered into arrangements with other Councils to create joint/shared opportunities for the delivery of some of its functions and activities. These arrangements take a variety of forms including Joint Committees; further details of these other arrangements can be found in Article 11 – Other Arrangements – Part 1 of the Constitution.

The Council will look to remove barriers between it and town/parish councils and our shared communities so that issues are addressed together. To that end the Leader may enter into protocols and concordats or establish area consultative forums with a focus on local issues.

The Council's Staff

The Council has people working directly and indirectly 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. A code of practice governs the relationships between Officers and Members of the Council – see Codes and Protocols – Part 4 of the Constitution.

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 - Members of the Public and the Council – Part 1 of the Constitution. 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.

Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.

Members of the public have the right to:

- vote at local elections if they are registered and eligible;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- attend formal meetings of the Council and its Committees, Boards and Sub-Committees except where exempt or, confidential matters are being discussed or the meeting is being held in private;
- normally find out from the Forward Plan what key decisions are to be discussed by the Executive or decided by the Leader, Executive or Officers, and when;
- ask questions, make statements, attend as a deputation and submit petitions at Full Council meetings to the extent identified in the Council and Committee Procedure Rules – Part 2 of the Constitution;
- see publicly accessible reports and background papers, and any record of decisions made by the Council, its Committees and Sub-Committees;
- complain to the Council about something the Council has done wrong, something that the Council should have done or if the Council has not treated a citizen in a professional or civil manner;
- complain to the Local Government and Social Care 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; and
- inspect the Council's accounts and make their views known to the external auditor.