

## **PART 1 SUMMARY AND EXPLANATION**

### **1.1 The Council's Constitution**

Bolsover District Council has agreed a new 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.

### **1.2 How the Council Operates**

The Council is composed of 37 Councillors 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises 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 appoints the Leader of the Council. The Council's current arrangements allow the Leader to appoint the Executive, although the Council may choose to do this. The Council holds the Executive to account by appointing Scrutiny Committees to question decisions and review policies.

### **1.3 How Decisions Are Made**

#### **(1) The Executive**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council and up to nine other Councillors appointed by the Council. When major decisions are to be discussed or made these are published in the Executive's List of Key Decisions and items to be considered in private document in so far as they can be anticipated.

If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where confidential or exempt matters are being discussed. The Executive 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 and Policy Framework, this must be referred to the Council as a whole to decide.

(2) Scrutiny Committees

There are three themed Scrutiny Committees which support the work of the Executive and the Council as a whole. A separate Finance and Corporate Overview Scrutiny Committee provides a forum for Scrutiny Members to review and scrutinise the Council's financial position.

Scrutiny allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These inquiries may lead to reports and recommendations which advise the Executive and the Council as a whole, on its policies, budget and service delivery.

Scrutiny Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

(3) 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. A code of practice governs the relationships between officers and Members of the Council.

(4) Citizens' Rights

Citizens have 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.

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.