



# CONSTITUTION OF CHESTERFIELD BOROUGH COUNCIL

The constitution is divided into eight parts, covering the following matters. Please see each Part for details.

## **Part 1 – Summary and Explanation**

## **Part 2 – Articles of the Constitution**

Article 1	The Constitution
Article 2	Members of the Council
Article 3	Citizens and the Council
Article 4	The Full Council
Article 5	Chairing the Council
Article 6	Overview and Scrutiny
Article 7	The Cabinet
Article 8	Regulatory and Employment and General Committees
Article 9	Standards and Audit Committee
Article 10	<i>not used</i>
Article 11	Joint Arrangements
Article 12	Employees
Article 13	Decision Making
Article 14	Finance, Contracts and Legal Matters
Article 15	Review and Revision of the Constitution
Article 16	Suspension, Interpretation and Publication of the Constitution
Schedule 1	Description of Executive Arrangements

## **Part 3 – Responsibility for Functions**

Who makes decisions - See part 3 for details

## **Part 4 – Rules of Procedure**

Council Procedure Rules (Standing Orders)  
Access to Information Procedure Rules  
Budget and Policy Framework Procedure Rules  
Cabinet Procedure Rules  
Scrutiny Procedure Rules  
Financial Procedure Rules  
Contract Procedure Rules  
Employment Procedure Rules

## **Part 5 – Codes and Protocols**

Members' Conduct – including Members' Code of conduct  
Protocol On Member/Officer Relations  
Employees' Conduct – including Employees' Code of Conduct

## **Part 6 – Members' Allowances Scheme**

## **Part 7 – Corporate Management Structure**

## **Part 8 – Details of Members**

# Part 1 – Summary and Explanation

## 1.0 **The Council's Constitution**

1.1 Chesterfield Borough Council has agreed a constitution. This sets out how the Council operates, how decisions are made and the procedures which are followed. The constitution ensures efficiency, transparency and accountability to local people. Some of these processes are required by the law, while others are for the Council to choose.

1.2 The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## 2.0 **What's In The Constitution?**

2.1 Article 1 of the Constitution commits the Council to developing and promoting the Borough as an attractive place in which to live, work visit and invest.

2.2 Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny (Article 6).
- The Cabinet (Article 7)
- Regulatory and Employment and General Committees (Article 8).
- The Standards and Audit Committee (Article 9).
- Joint Arrangements (Article 11).
- Employees (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).

## 3.0 **How The Council Operates**

3.1 The Council is composed of 40<sup>1</sup> 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 follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards and Audit Committee trains and advises them on the code of conduct and deals with complaints about members referred to it by the Monitoring Officer.

- 3.2 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.
- 3.3 The Council approves the policy framework, which comprises a series of major plans. The Cabinet has to work within the policy and budget framework approved by the Council. The Council can approve (or reject) any proposals from the Cabinet for action which is outside the budget or policy framework.
- 3.4 The Council elects the Leader and the Leader selects the Deputy Leader and the Cabinet. The Council holds them to account through its Scrutiny Committees which can question decisions and review policies.
- 3.5 There is also a public question time at Council and provision for Members of Council to ask Cabinet Members questions on any matters relating to their portfolio.
- 3.6 Those Councillors who are not members of the Cabinet will make a contribution to the operation of the Council through membership of its two Overview and Scrutiny Committees, and their informal review groups.

#### 4.0 **How Decisions Are Made**

- 4.1 The Cabinet is responsible for many decisions. It is made up of the Leader and seven councillors appointed by the Leader.
- 4.2 Before major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. These major decisions are called "key decisions", and are explained in Article 13 (decision-making). If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed.
- 4.3 The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If the Cabinet 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.
- 4.4 Decisions are also made individually by relevant Cabinet Members.
- 4.5 Some decisions are made by the council's committees, for example on planning or licensing matters. Some decisions are made by officers. Delegations are set out in Part 3.

## 5.0 **Overview And Scrutiny**

- 5.1** There are two politically balanced overview and scrutiny select committees. They are called *Scrutiny Select Committee – Resilient Council* and *Scrutiny Select Committee – Economic Growth and Communities*. Information about their composition and terms of reference is in Part 2. Scrutiny procedures are in Part 4.
- 5.2** They work to support the work of the Council by scrutinising decisions and other matters within their terms of reference. They produce reports and recommendations which advise the Cabinet, the Council or relevant committees on policies, budget and service delivery.
- 5.3** Subject to some exceptions, Cabinet and Cabinet Member decisions can be called-in for consideration by the scrutiny select committees. The Committee can consider whether the decision is appropriate. The Forum may recommend that the decision is reconsidered. The rules about "call-in" are in Part 4.
- 5.4** The scrutiny select committees may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## 6.0 **The Council's Employees**

- 6.1** The Council has people working for it (called 'employees') to give advice, implement decisions, manage and carry out the day-to-day delivery of its services. Some of these employees have various decisions delegated to them (see Part 3). Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol at part 5 of this Constitution governs the relationships between employees and members of the council. Part 5 also contains an employee code of conduct.

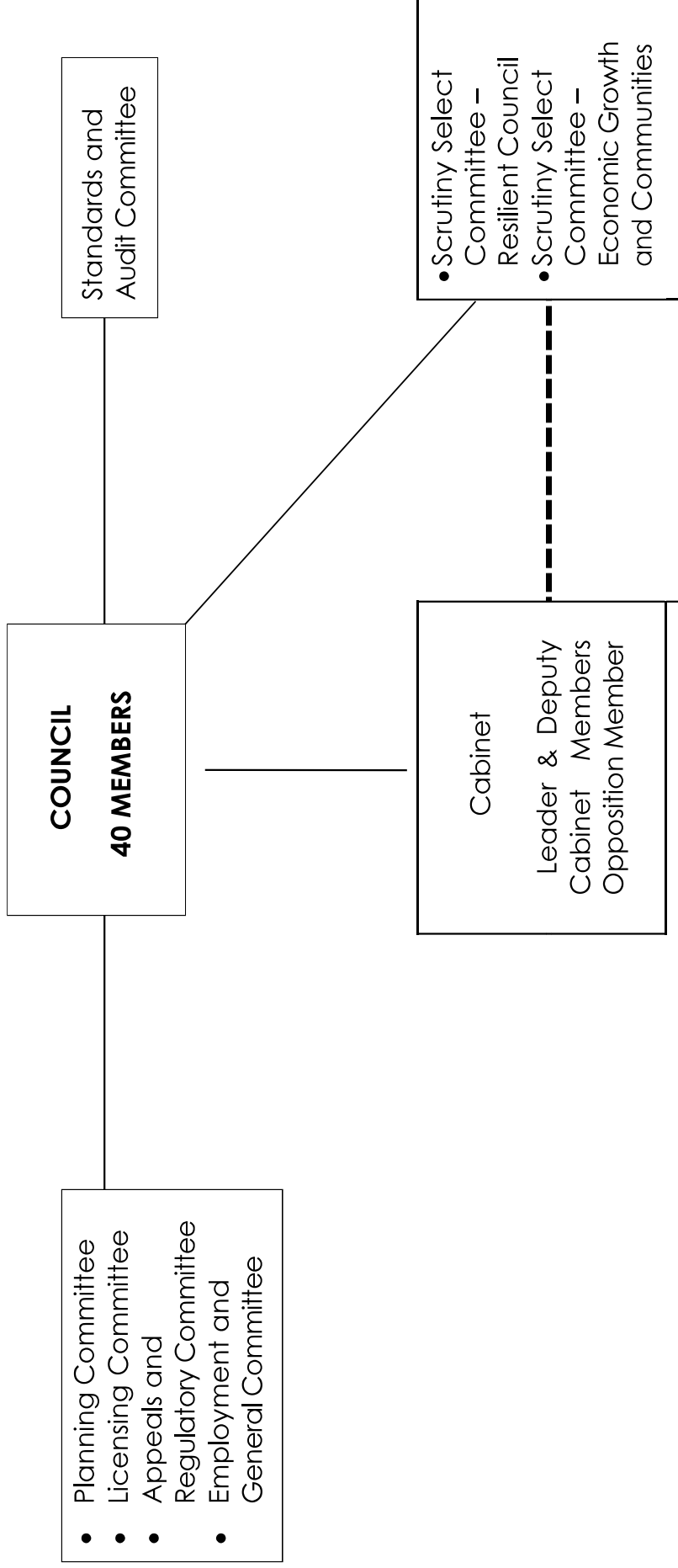
## 7.0 **Citizens' Rights**

- 7.1** 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. The local Citizens' Advice Bureau or Derbyshire Law Centre can advise on individuals' legal rights.
- 7.2** 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.
- 7.3** Citizens 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 the Constitution (it is readily accessible online);
  - 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;
- Participate in the Council's question time by asking a question and a supplementary question,
- Where invited, contribute to investigations by the scrutiny bodies;
- Find out, from the Cabinet's forward plan, what major decisions are to be discussed or decided by the Cabinet, individual Cabinet Members or officers, and when;
- Attend meetings of the Cabinet where key decisions and other matters are being discussed or decided, and attend Council committee meetings for public items;
- See reports and background papers (unless exempt from publication), and any record of decisions made by the Council, its committees, individual Cabinet Members and Cabinet;
- Complain to the Council about any of our services. Citizens can call in to see us, telephone, or get a leaflet from any Council office, send a written complaint or complain online through the Council's website. If the complaint isn't resolved at the first stage there is an opportunity for a review (stage two).
- Complain to the Local Government and Social Care Ombudsman (or the Housing Ombudsman, if a housing tenant) after completing the Council's complaints procedure if they still think the Council has not followed its procedures properly.
- Complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Members' Code of Conduct. The Monitoring Officer will assess the complaint and decide what, if anything, should be done;
- Inspect the Council's accounts and make their views known to the external auditor.
- Obtain information about themselves that the Council holds (unless an exemption applies)
- Obtain other information that is held by the Council (unless an exemption applies)

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk) or telephone 01246 345345.

## STRUCTURE OF THE COUNCIL



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<sup>1</sup> Prior to the 2022 Electoral Commission Review of councillors and wards there were 48 councillors. 40 councillors were elected in the 4<sup>th</sup> May 2023 local elections.