

**PART 1**

**SUMMARY AND EXPLANATION**

## SUMMARY AND EXPLANATION

This document has been prepared under Section 37 of the Local Government Act 2000, which requires the County Council to maintain a Constitution. This summary is intended to explain the purpose of the Constitution and to help the reader find their way around it.

The Constitution is divided into five parts. This introduction forms Part 1.

### Part 2 of the Constitution - "basic principles"

Part 2 sets out the "Articles" of the Constitution. The Articles describe the individuals and groups that make up the County Council (that is, its "composition") and the principal rules and procedures that govern the way it operates.

### The composition of the County Council

The County Council exists to provide services to the people of Gloucestershire. The Council does this by carrying out duties and exercising powers that have been given to it by Parliament. Certain kinds of decisions about the exercise of these duties and powers may only be made by what is called the "full Council".

In Gloucestershire, the full Council is made up of 53 County Councillors (who are also known as Members), who are normally elected every four years to represent the people who live in the County's various "electoral divisions". The Chair of the County Council presides over meetings of the full Council, assisted by the Vice Chair.

The full Council has such wide powers, it would be impractical for it to make every decision itself; it would be too unwieldy. It therefore concerns itself with setting the broad policy and budgetary framework of the Authority. More detailed decisions are made by what are known as "Council bodies" and by the Council's "Cabinet".

Council bodies are also known as "committees". Each has been given a range of duties and powers by the full Council, which they exercise on its behalf. Most Council bodies are concerned with what are known as "regulatory activities", that is the issuing of licences, permissions and various kinds of consent. Other Council bodies deal with administrative functions, such as the appointment of senior Officers and the administration of the County Council's pension fund. The Audit and Governance Committee is also a Council body, whose remit includes ensuring that Members maintain high standards of probity in their public life.

The Council's Cabinet (which is sometimes known as the "executive"), is made up of the Leader of the Council (who must be a County Councillor) and up to nine other County Councillors, and has particularly wide-ranging responsibilities. Unlike other Council bodies, most of a Cabinet's duties and powers are derived from Acts of Parliament and subordinate legislation (that is, orders and regulations laid before Parliament) rather than powers that have been delegated to it by the full Council. A Cabinet's role is principally to formulate detailed policies and proposals for delivery of services within the policy and budgetary framework that is set by the full Council.

In view of the importance of a Cabinet's role and its very extensive powers, Parliament decided that its work should be subject to careful monitoring by what are called "Overview and Scrutiny Committees". The County Council has several Overview and Scrutiny Committees, whose remit reflect this Cabinet monitoring role and also a wide ranging contribution to the Council's and

other public services. The Council has also established the "Overview and Scrutiny Management Committee", whose job includes co-ordinating the Council's overview and scrutiny function.

### Part 3 of the Constitution - "who does what?"

Part 3 of the Constitution describes which powers and duties are exercised by the full Council, Council bodies and the Council's Cabinet and the remit of the Overview and Scrutiny Committees. Officers of the Council (that is, Council employees) may make decisions on behalf of the Council, Council bodies and the Council's Cabinet under what is called the "scheme of delegation". This is also set out in Part 3. The law allows Members of the Cabinet to make decisions on behalf of the Council.

### Part 4 of the Constitution - "the rule book"

The Council is anxious to ensure that it makes decisions reasonably, effectively, efficiently and openly. It has therefore formulated a number of rules and procedures that regulate the way the full Council, Council's Cabinet, Overview and Scrutiny Committees and other Council bodies conduct their business. The Council has also drawn up rules to regulate other aspects of the way it conducts its business. For example, it has published detailed rules about access to information, financial dealings and about the way it will let contracts. All of these rules are found in Part 4 of the Constitution.

### Part 5 of the Constitution - "maintaining probity"

The County Council places great importance on promoting and maintaining high standards of conduct on the part of Officers and Members. It has therefore published a number of codes and protocols to guide their behaviour, which are set out in Part 5 of the Constitution.

### Part 5 of the Constitution - The Scheme of Members' Allowances

By law, Members are entitled to be reimbursed for the performance of their duties in accordance with a Scheme that is approved each year by the full Council after it has considered the report of an Independent Remuneration Panel. The Scheme is published in Part 5 of the Constitution.

### Part 5 of the Constitution – The Management Structure

Part 5 of the Constitution provides a link to the Council's senior management structure so that the general public may identify who they need to speak to about a particular service or problem.

***At various points in the Constitution, notes have been included in italics. These notes are only an aid to interpretation or indicate informal practices and do not form part of the Constitution***

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