



# **Bristol City Council – Constitution**

**May 2018**

## Summary

### 1) What is the Constitution

The purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures that are followed to ensure that decisions are taken efficiently and transparently, and that those who make the decisions are accountable to local people. Some of these procedures are legal requirements while others are how the Council has chosen to conduct its business.

This part of the Constitution is a guide to the basic principles of how the Council works and what decisions can be made and by whom. It is a summary and does not seek to be comprehensive. You will need to look at separate parts of the Constitution for full details of decision-making procedures.

The Mayor, all elected members and officers of Bristol City Council are governed by this Constitution.

### 2) How the Council works

The Council is led by a Mayor who is elected directly by the people of Bristol for a fixed four year term.

#### **The Mayor and the Executive**

The Mayor shall appoint a Deputy Mayor and between one and eight Executive Members from the 70 Councillors, to work with them. Together they are described in this Constitution as the Executive.

#### **Full Council**

Full Council comprises of the Mayor together with 70 Councillors, each of whom is elected for a 4 year term and who represent the 35 wards of the City. The overriding duty of Councillors is to the whole community but they have a special responsibility to the constituents of their ward.

All Councillors and the Mayor meet together as the Full Council. These meetings are open to the public and the press and are also broadcast live on the Council's [webcast facility](#)

The Full Council sets the broad Policy and Budget Framework within which the Council including the Mayor and their Executive operates. The Full Council is chaired by the Lord Mayor of Bristol. This role is a ceremonial and civic one. The Lord Mayor is a councillor and is chosen and appointed for a one year term by the Full Council at its annual Council meeting in May.

## Conduct and Behaviour

The Mayor and the 70 Councillors have agreed to follow a [Code of Conduct](#) to ensure high standards in the way they undertake their duties. Compliance with the Code of Conduct is overseen by the [Audit Committee](#). This code of conduct is included in Part 5 of this constitution.

### **3) How decisions are made**

Decisions are taken either by Full Council, the Mayor, members of the Executive (either individually or collectively with the Mayor), committees, or officers, according to rules set out in this Constitution.

The Mayor is personally responsible for taking major decisions about many aspects of what the Council does. They can either take these decisions themselves, delegate these to other individual councillors on the Executive or take them collectively with Executive colleagues, or delegate to officers. Certain types of decision may also be delegated by the Mayor to area committees.

Certain business considered by the Executive is defined as a 'Key Decision'. These key decisions are included on the Mayor's Forward Plan which is a document that is published every month with details of the decisions to be taken over the next four months. The Constitution sets out a specific definition of what are key decisions. In summary these are decisions where the Council will incur significant expenditure/savings or which have a significant impact on communities in two or more wards in the City.

Some decisions, due to legislation, or as a matter of local choice, can only be taken by Full Council. In some cases Full Council can delegate these decisions to committees of councillors or specified officers. Examples of specific areas which by law cannot be the responsibility of the Mayor and Executive include:

- Adopting and changing this Constitution.
- Adopting an allowance scheme for Councillors.
- Setting the Council's budget including the level of Council Tax.
- Decisions relating to individual planning applications and enforcement of planning rules.
- Decisions relating to licensing and individual licensing applications.
- Decisions relating to the management and conduct of elections.
- Specific plans and strategies within the Council's Policy Framework
- Decisions relating to the appointment and terms and conditions of Council staff.

Parts 2 and 3 of this Constitution provide further details on specific roles and responsibilities.

The Mayor has delegated the following executive decisions to area committees. These committees are based on groupings of different neighbourhoods in the city and councillors sit on these committees and are able to make the following decisions:

- The expenditure of the local element of CIL (part of planning) monies raised by areas of that committee

- Devolved s.106 (part of planning) monies where there is a decision to be made in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement)

There is an Area CIL/s.106 Committee for each of the following 6 Areas:

- Avonmouth and Lawrence Weston, Westbury-on-Trym and Henleaze, Stoke Bishop, Clifton, Clifton Down, Hotwells and Harbourside (Area 1);
- Henbury and Brentry, Southmead, Horfield, Bishopston and Ashley Down, Redland and Cotham (Area 2);
- Lockleaze, Eastville, Frome Vale and Hillfields (Area 3);
- Ashley, Central, Lawrence Hill, Easton, St George West, St George Central and St George Troopers Hill (Area 4);
- Bedminster, Southville, Windmill Hill, Knowle, Brislington East and Brislington West (Area 5);
- Bishopsworth, Hartcliffe and Withywood, Filwood, Hengrove and Whitchurch Park and Stockwood (Area 6).

The councillors elected to serve the wards in a neighbourhood are members of the corresponding Area Committee

#### **4) How the Council is scrutinised**

Councillors who are not on the Executive are responsible for keeping an overview of Council business including scrutinising areas of particular interest or concern, holding the Executive to account for the decisions that are made, and assisting in the development and review of Council policy. This role is undertaken by [Scrutiny Committees/Commissions](#) that meet on a regular basis throughout the year. Scrutiny is also carried out through more informal mechanisms as well, and which include “task and finish” select committees and scrutiny inquiry days.

The Scrutiny Committee/Commissions have the right to scrutinise decisions as they are being formulated, after they have been taken and can ask for decisions to be reconsidered. This is known as “Call-In” and requires the Executive to consider further comments raised by a scrutiny committee or full Council before they are implemented.

#### **5) Council Staff**

The Council employs officers to give professional advice to the Executive and Councillors, to implement decisions taken and to manage the day to day delivery of services. The Head of Paid Service is a statutory role that every Council must have. This person has responsibility for managing all Council staff and decides how the Mayor, Executive and Councillors should be supported by staff. There are other statutory posts including an officer who has responsibility for ensuring that the Council takes sound financial decisions (Service Director, Finance) and an officer who is responsible for ensuring that all decisions taken by the Council are lawful (Service Director, Legal Services). There are also statutory officers with responsibility for Children’s Services and for the Council’s Adult Social Services functions.

## **6) Citizens' Rights**

Citizens of Bristol have a number of rights in dealings with the Mayor, the Executive and the Council.

In the first instance the Mayor is accountable to all of the people of Bristol as they were directly elected in a city wide election.

A list of some of the other rights that citizens have is set out below which is in addition to any rights for example as a parent of a school student or a tenant of the Council which are beyond the scope of this Constitution.

Citizens have the right to:

- Register and vote at elections
- Contact their local Councillor about issues of concern within their ward
- View the Constitution which is available on the Council website
- Attend Council, executive, scrutiny and other committee meetings
- Attend neighbourhood partnership and forum meetings within their area to hear from and speak to their local councillors and neighbourhood representatives
- View the Forward Plan to see future decisions
- View the agenda and papers for forthcoming meetings on the Council's website
- Use the Council's complaints procedure if they are dissatisfied with a service after which if still dissatisfied they can complain to the Local Government Ombudsman
- Contact the Monitoring Officer if they have a concern about the conduct of a Councillor under the Code of Conduct
- Inspect the Council's Accounts and make their views known to the External Auditor

## **7) Structure of the Constitution**

The Constitution is split into 'Parts' to help readers find relevant information. This introduction is Part 1.

Part 2 of the Constitution sets out Articles 1 – 17 which describe the basic rules governing the Council's business.

Part 3 describes how functions and responsibilities are allocating between the Full Council, Mayor and Executive.

Parts 1 to 3 form the Core Constitution of Bristol City Council.

The Core Constitution is supported by further procedural guidance, codes of conduct and other supporting information as set out in parts 4 to 7:

Part 4 - Procedure rules

Part 5 - Political conventions and codes of conduct

Part 6 - Members allowances scheme

Part 7 - Management Structure

## GLOSSARY

1. throughout this constitution
  - (a) “*proper officer*” # and “*monitoring officer*” means the “service director legal services”;
  - (b) “*head of paid service*” means the “chief executive”

#Some other officers have the legal designation of ‘*proper officer*’ - however, this glossary relates solely to the Articles and CPR.
2. References to the “*executive*” means:
  - (a) the Mayor, deputy mayor and executive members meeting collectively as the “*cabinet*”; or
  - (b) a committee of the executive or;
  - (c) a body or officer to whom executive powers have been delegated.

(See Article 7 (part 2))