

PART 1

Summary, explanation and glossary of terms

The Royal Borough of Greenwich's Constitution

Royal Borough of Greenwich has agreed a Constitution. It sets out how the Council operates, how decisions are made and how its procedures ensure decisions are efficient, transparent and accountable to local people. The Council is required to have a Constitution by law. Some of the contents are required by the law, whilst others have been chosen by the Council.

What's in the Constitution?

The Constitution is divided into 7 parts.

Part 1 contains this summary and explanation and a glossary of terms used in the Constitution.

Part 2 contains the 16 Articles. These set out the basic rules governing the Council's business, including the rights of citizens and how the key parts of the Council operate.

Part 3 sets out which parts of the Council are responsible for carrying out its functions. The law specifies the functions which full Council or its committees must carry out. These are called 'Council functions', and are mainly agreeing major policies and the annual budget, and planning and licensing.

The Leader of the Council, who is responsible for all executive functions, is appointed by the Full Council for a four year term (appointed at the Annual Meeting following the Borough-wide elections). The Leader appoints the Cabinet (up to 10 councillors

including the Leader of the Council). The Leader of the Council is responsible for determining the scheme of delegation. Most functions can be delegated, and delegations are listed here, along with the terms of reference of Member-level bodies and the Council's consultative arrangements.

Part 4 contains more detailed procedures. These regulate meetings of the Council, its committees, Overview and Scrutiny committee and the Executive (Cabinet). There are procedures governing access to meetings and reports, and how the Council agrees its budget and major policies. Finally there are procedures controlling the Council's finances, contracts and the employment of staff.

Part 5 has codes of conduct for councillors and council staff, and a protocol governing member/officer relations. The councillors' code of conduct is a locally adopted Code. The Council's Standards Committee is responsible for investigating complaints that councillors have breached the code. The staff code of conduct is intended to provide guidance on standards of conduct. It will complement the councillors' code, and will be incorporated in staff terms and conditions of employment.

Part 6 sets out the scheme of allowances for councillors. The Council has agreed this taking account of the recommendations of the pan-London independent remuneration panel, managed by London Councils.

Part 7 has the Council's organisation and management structure.

How the Council operates

The Council of the Royal Borough of Greenwich is composed of 51 councillors. Each councillor is elected by the voters in one of the 17 wards that comprise the Borough. Each ward is represented by 3 councillors. Whole Council elections take place every 4 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 promotes high standards of conduct by councillors, assists councillors to observe the Code of Conduct, in particular by ensuring access to training, and decides what action to take following an investigation into an alleged breach of the Code of Conduct, having sought and taken into account the views of an independent person appointed for that purpose.

How Decisions are made

All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Royal Borough's overall policies and set the budget each year. The Council appoints committees to carry out some Council functions, appoints and holds to account the Leader of the Council and may hold annual state of the borough debates.

The Council considers Motions and Questions submitted by councillors and there is provision for public questions and deputations. The Council also receives petitions submitted by local residents and debates the action being taken in response.

The Council appoints committees and delegates some of its functions to them, such as planning and licensing functions. It appoints the Civic Mayor, the Leader of the Council (for a four-year term) and agrees the annual calendar of Member-level meetings.

The Leader of the Council

The Leader of the Council is appointed for a four year term at the first annual meeting of the Council following the Borough-wide elections. All executive functions reside with the Leader of the Council and he/she appoints the Cabinet, agrees the scheme of delegation of executive functions to the Cabinet, its sub-committees and Chief Officers. Executive functions are all functions which are not specifically reserved by law to the Council.

The Cabinet

The Council appoints the Leader, who in turn appoints the Cabinet and assigns to each Cabinet Member a specific portfolio. The Cabinet is responsible for those executive functions delegated to it by the Leader of the Council.

Each Cabinet Member is responsible for the development of policy in their portfolio and for bringing forward specific proposals. Cabinet Members can take individual decisions in line with the scheme of delegation detailed in Part 3A of the Constitution.

When key decisions are to be discussed or made, 28 days' advance will be given where such decisions can be anticipated. Meetings of the Cabinet are open for the public to attend, except where personal or confidential matters are being discussed.

The Leader, Cabinet and individual Cabinet Members have to make decisions which are in line with the Council's overall policies and budget. If the Leader, Cabinet and individual Cabinet Members wish to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee, and the six Scrutiny Panels, support the work of the Cabinet and the Council. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The Cabinet or the Council may also consult Overview and Scrutiny Committee, and the Scrutiny Panels, on forthcoming decisions and the development of policy.

Each Scrutiny Panel will also undertake a more in-depth review on a matter of importance to the public on services provided by the Authority or by other public bodies whose work impacts on residents. The work programme for the whole function is set annually by the Full Council following suggestions from Overview and Scrutiny Councillors.

The Overview and Scrutiny Committee and the Scrutiny Panels are all be 'politically balanced' – i.e. their memberships should be in the same proportion as the size of the political parties on the Council as a whole.

The Standards Committee

This consists of three councillors, from all political parties represented on the Council, and three independent members. The Committee is chaired by one of the Independent Members. Its role is to promote high standards of conduct in the way councillors and co-opted members undertake their duties, to provide training and advice on the code of conduct and to decide what action to take following an investigation into an alleged breach of the Code of Conduct, having sought and taken into account the views of an independent person appointed for that purpose.

Council 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.

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 parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

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;
- attend meetings of the Council and its committees, and of the Cabinet, except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive (if more than 5% of electors sign such a petition the Council will hold a borough-wide referendum on whether to have a directly-elected mayor for the borough);
- bring concerns to the direct attention of the Council by asking a councillor to present a petition at a Council meeting, or by asking to address the Council as part of a deputation, or by asking a question at a Council meeting during 'public question time';
- find out, from the Cabinet's forward plan, what key decisions are to be decided by individual Cabinet Members, the Cabinet or officers, and when;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council using its complaints procedure;
- complain to the 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 procedure;
- complain to the Chief Executive if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

GLOSSARY OF TERMS

Articles	The basic rules governing the Council's business, which cannot be suspended.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The 9 portfolio-holding Councillors who, together with the Leader, form the Executive. Also, meetings of the Leader and Cabinet are known as Cabinet Meetings.
Call-in	A procedure which allows Overview & Scrutiny Committee Members to examine a decision taken by, or on behalf of, the Cabinet.
Chair	The person appointed to chair meetings of a committee and who may have special responsibilities for organising the committee's work programme or representing the committee.
Chief Executive	The most senior Council Officer. Also known in legislation as the Head of Paid Service.
Chief Officer	The most senior Council Officers comprising the Chief Executive and the Directors responsible for managing the Council's Directorates.

Confidential Information	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order.
Constitution	The document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Co-optee/Co-opted	A non-voting, non-Councillor appointed to serve on a Committee/Sub-Committee in an advisory capacity.
Councillors	Elected representatives who collectively are the Members of the Council (sometimes called 'Members')
Delegated Powers	Specific powers given to a particular Cabinet Member, Officer, Committee or Sub-committee to take decisions on behalf of the Council or of the Executive.
Executive	The Leader and Members of the Cabinet collectively form the Executive, and are legally responsible for implementing council policies within the budget and policy framework set by the Council. Decision taking may be delegated to individual Cabinet Members, Cabinet Committees or to officers.
Executive functions	The powers and duties specified by law or in the

Council's constitution that are the specific responsibilities of the Leader, who may delegate them to the Cabinet, Cabinet Members, Chief Officers or Joint Committees.

Exempt Information	Information falling into one of 7 categories set out in the Local Government Act 1972 which usually cannot be publicly disclosed – see the Access to Information Procedure Rules.
Functions	Duties or powers which the Council has to provide services to or on behalf of the residents of the Borough.
Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council; also known as the Chief Executive.
Joint Committee	A body appointed jointly with one or more other local authorities to carry out duties on behalf of all the appointing local authorities, Government Act 1972 e.g. Eltham Crematorium Joint Committee, South East London Waste Disposal Group.
Key Decision	A decision taken, or to be taken, by or on behalf of the Executive, which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Wards. The criteria used to identify Key Decisions

are set out in the Access to Information Procedure Rules.

Leader	The Councillor in who resides all executive functions and who is appointed by the Council, for a four year term, to provide leadership to the Council and who appoints the Cabinet and determines the delegation of functions to Cabinet, its committees, individual Cabinet Members and Chief Officers.
Local Authority	The statutory organisation responsible by law for the provision of certain local services. The term local authority means the organisation as a whole i.e. all Councillors, the Cabinet and Officers. The word 'Council' is also sometimes used to mean the local authority, but 'Council' can also mean just the councillors, or the part of the local authority which is not the Executive.
Mayor	The Councillor appointed by the Council to chair meetings of the Council – see Article 5. The Mayor has special representative and ceremonial responsibilities, but is not a political leader (as the Mayor can be in some other local authorities).
Minority Group	Any of the minority political groups on the Council. "Leader of the Opposition" means the leader of the largest minority political group on the Council.

Monitoring Officer	The officer responsible ensuring that everything that the Council does is fair and lawful. In Greenwich the Monitoring Officer is the Director of Legal & HR.
Officers	The paid employees of the Council.
Overview & Scrutiny Committee	A committee appointed by the Council to provide support and advice to the Cabinet by contributing to the review and development of policy; and to hold the Cabinet to account by questioning, challenging and monitoring their performance.
Policy Framework	The plans and strategies which have to be adopted by the full Council and in accordance with which the Cabinet have to operate – see Article 4.
Procedures	Detailed rules in Part 4 which govern how the Council operates and how decisions are taken.
Protocols	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
Quorum	The minimum number of people who have to be present before a meeting can take place.

Standing Orders	The procedure rules which must be followed in respect of how meetings are conducted, or how contracts will be let.
Virement	Transfer of funds from one area of expenditure to another. 'To vire' means to move funds from one part of the budget to another.
Whip	The instruction given to members of a political party group to vote or act in accordance with the group's decisions. The whip can also mean the person (councillor) appointed by a political party group to enforce the group's decisions and carry out organisational duties on behalf of the group.