

**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**CONSTITUTION**

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**ADOPTED BY COUNCIL – 31 JULY 2018**

**The Director of Central Services and Monitoring Officer is responsible for ensuring that the Constitution is kept up to date.**



**Document Control:**

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**Version History:**

<b>Date</b>	<b>Version Number</b>	<b>Revision Notes</b>
31 July 2018	v2018/001	Reviewed by:  Overview & Scrutiny Committee (April 2018) Cabinet (June 2018) Council (July 2018)
December 2018		Addition of Glossary and Index (Part 8) – <i>to follow</i>
January 2019	v2019/002	Addition of Emergency Provisions during a period of serious and unexpected disruption (Part 7)
February 2019		Addition of CEX 203 designated DCS as formal Deputy of CE.
July 2019		Members Allowance Scheme – Schedule I updated to reflect allowances for vice-chairmen which came into effect from the Borough Council elections in 2019.
April 2020	v2020/003	Updated Schedule 1 in Members Allowance (Part 6) to reflect the increase in line with the staff pay award.
		Updated financial thresholds in the Contract Procedure Rules paragraph 7.7.
April 2021	V2021/004	Updated Schedule 1 in Members Allowance (Part 6) to reflect the increase in line with the staff pay award.



## SUMMARY AND EXPLANATION

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

Tonbridge & Malling Borough Council has adopted a 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.

The Constitution is divided into 11 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.

### **What's in the Constitution?**

Article 1 sets out the purpose of the Constitution, which is to help the Council realise its vision for the future of Tonbridge & Malling. It also indicates how disputes as to the interpretation of the Constitution may be resolved.

Articles 2-11 explain the rights of citizens and how the key parts of the Council operate.

These are:

- (Article 2) - Members of the Council
- (Article 3) - Citizens and the Council
- (Article 4) - The Full Council
- (Article 5) - Chairing the Council
- (Article 6) - The Executive
- (Article 7) - Joint Arrangements
- (Article 8) - Decision Making
- (Article 9) - Finance, Contracts and Legal Matters
- (Article 10) - Review and Revision of the Constitution
- (Article 11) - Suspension, Interpretation and Publication of the Constitution

### **How the Council operates**

The Council is composed of 54 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 Joint Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public unless items to be discussed are exempt from publication or are of a confidential nature. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council and the Leader appoints the other members of the Executive (sometimes called the "Cabinet") which takes decisions about the running of the Council and the implementation of its policies. It also appoints the members of the Overview & Scrutiny Committee and all other committees of the Council.

The Council holds the Executive and other Council committees to account for the decisions they take.

### **How decisions are made**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Council Leader, Deputy Council Leader and between one and eight other councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Notice of Forthcoming Key Decisions in so far as they can be anticipated. Meetings of the Executive (Cabinet) will generally be open for the public to attend except where personal or confidential 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 or policy framework, this must be referred to the Council as a whole to decide.

### **Overview and Scrutiny**

There is an Overview and Scrutiny Committee which supports the work of the Executive and the Council as a whole. This allows members outside the Executive and citizens to have a greater say in Council matters by holding public inquiries into matters of local concern when appropriate. This can include questioning officers of the Council and inviting people from outside the Council to give opinions and expert advice. These inquiries lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. The Committee may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

### **The Council's Staff**

The Council has staff 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 protocol governs the relationships between officers and members of the council (see Part 5 of the Constitution).

## **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. The local Citizens' Advice Bureau can advise on individuals' legal rights. Where members of the public use specific council services they may have additional rights not covered in this Constitution.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen please contact the Chief Executive. Part 4 (Access to Information) of this Constitution contains information on the rights of citizens to inspect agendas and reports and attend meetings.

A wide range of information related to the Council's decision making processes, forthcoming meetings and details of elected representatives can be found [online](#)

