

Constitution

Council for the District of East Northamptonshire

First adopted September 2001
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CONSTITUTION OF THE COUNCIL OF THE DISTRICT OF EAST NORTHAMPTONSHIRE

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Part 1 –

Summary and Explanation

A Guide to the Council’s Constitution

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Part 1: Summary and Explanation

The Council's Constitution

East Northamptonshire Council has agreed 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 law, others are a matter for the Council to choose.

The constitution is divided into 15 Articles, which set out the basic rules governing Council business. More detailed procedures and codes of practice are provided in separate rules and protocols.

Article 1 of the constitution commits the Council to:

- Leadership
- Efficient, effective and economic services
- Responsibility
- Transparency and
- Effective public consultation and participation

Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These basic rules are:

Article 2 – Members of the Council

Article 3 – Citizens and the Council

Article 4 – The Council meeting

Article 5 – Chairing the Council

Article 6 – The Council Leader

There is currently no Article 7

Article 8 – Policy, Regulatory and other Committees

Article 9 – The East Northamptonshire Joint Standards Complaints Committee.

Article 10 – Joint Arrangements

Article 11 – Officers of the Council

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

How the Council operates

The Council is made up of 40 councillors elected every four years. All 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. All councillors have to agree to abide by this constitution, which includes a code of conduct for councillors, in order to help the council ensure high standards of good governance and transparency in the way it operates and to help discharge its duty to promote and maintain high standards of conduct by members. The Council promotes excellence, probity and transparency in public service and provides training and advice for councillors on governance matters, including the code of conduct.

All 40 councillors meet together as the Council (referred to in the constitution as (full) Council to distinguish this meeting from the organisation). Meetings of the (full) Council are open to the public, press and media. At these meetings councillors deliberate and agree the Council's overall policies and set the budget each year. The (full) Council is the principal forum for debating the state of the East Northamptonshire area, determining the Council's annual budget and medium term financial strategy and setting the policy framework within which the committees operate. The (full) Council appoints a Leader to give clear leadership for the Council and the local community. The (full) Council is responsible for changes to the constitution and the various codes and protocols in it.

How decisions are made

Many decisions are made by the Policy and Resources Committee which formulates policy and is responsible for the effective use of all council resources, whether finances, land, property or personnel. Some decisions are delegated to sub-committees such as Finance Sub Committee or Personnel Sub Committee.

The Planning Policy Committee is responsible for forming and developing the Local Plan and strategic planning objectives.

The Planning Management Committee deals with planning applications and the enforcement of such decisions. The Licensing Committee is responsible for a range of licensing activity including liquor, public entertainment and gambling licensing. The majority of licensing decisions are made through Panels comprising three councilors.

Committees have to make decisions which are in line with the Council's overall policies and budget. If they wish to make any decision which is outside the budget and policy framework, this must be referred to the (full) Council as a whole to decide.

The Scrutiny Committee monitors the decisions made by Policy and Resources Committee (including sub committees) and Planning Policy Committee. It can 'call-in' a decision which has been made by these policy committees but not yet implemented. This enables the Scrutiny Committee to consider whether the decision is appropriate. The Scrutiny Committee cannot reverse a decision. It may recommend that the committee reconsiders the decision or that the matter be referred to (full) Council.

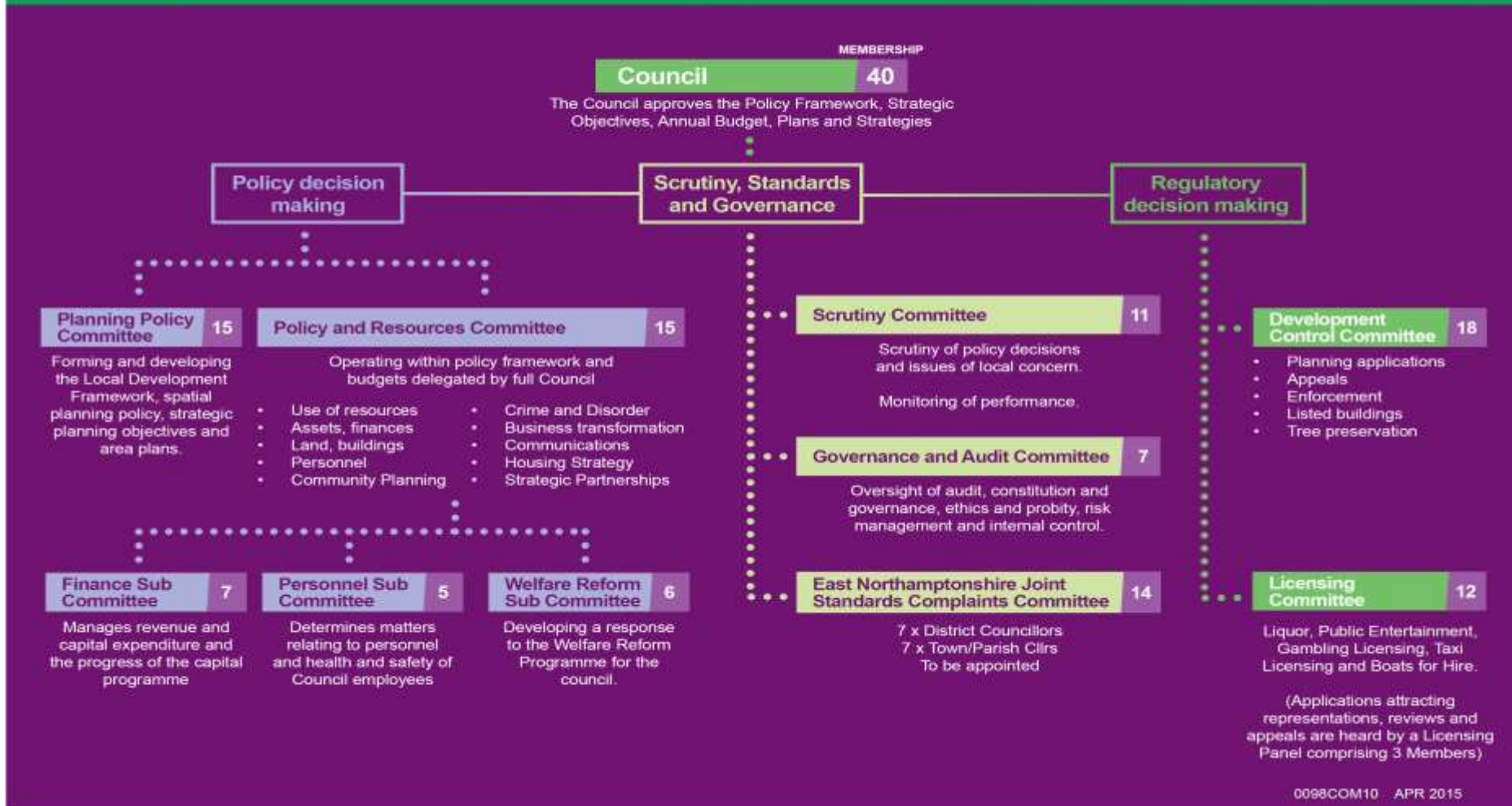
High standards for the management of the council are overseen by the Governance and Audit Committee. This committee approves the annual statement of accounts for the council (including the annual Governance Statement), It also reviews the internal and external auditors reports on the council and also looks at the strategic risks facing the council's operations to ensure appropriate mitigation is in place.

The Council has also established a Joint Standards Complaint Committee. This considers the operation of the standards framework set out in the Localism Act 2011, including monitoring of the code of conduct for councillors at this council and local Town and Parish Councils.

More information on decision making can be found in Part 3 of this constitution.

How the Council operates is shown in the diagram overleaf

Committee Structure



The Council's 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. Some officers also have powers to make certain decisions delegated to them by (full) Council (see Part 3.2 of this constitution). There is an officer code of conduct and a code of practice to govern the relationships between officers and councillors.

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; others depend on the Council's own processes. (A number of national and local voluntary bodies can advise on an individual's legal rights.) Where citizens use specific council services 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 and the Leader of the council about any matters of concern to them;
- obtain a copy of the constitution;
- participate in the public time (petitions and speaking) at (full) Council and committee meetings in accordance with the council's published procedures, and contribute to investigations by the Scrutiny Committee by invitation;
- attend meetings of the (full) Council and its committees except where, for example, personal, confidential or otherwise exempt matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- see reports and background papers, and the published record of decisions made by the (full) Council and its committees, if these are not exempt from publication;

- complain to the council if they are unhappy about a decision. The council will consider the complaint in accordance with its published complaints procedure;
- Find out from agendas published on the council's website 5 working days in advance what major decisions are proposed, when they are to be discussed and by whom;
- complain to the Local Government 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 process;
- complain to the council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the council's Code of Conduct for councillors;
- use the council's Complaint Procedure if they are unhappy about the actions or conduct of an officer, 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. More information on current consultations and opportunities to participate can be found on the council's website www.east-northamptonshire.gov.uk