

NORTH HERTFORDSHIRE DISTRICT COUNCIL

## **CONSTITUTION**

ARTICLES OF THE CONSTITUTION

RESPONSIBILITY FOR FUNCTIONS AND TERMS OF  
REFERENCE

STANDING ORDERS, PROCEDURES AND REGULATIONS

CODES AND PROTOCOLS

MEMBERS' ALLOWANCES SCHEME

MANAGEMENT STRUCTURE



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## **PART I SUMMARY AND EXPLANATION**

### **1. The Council's Constitution**

The North Hertfordshire District Council Constitution 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 the processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into 16 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. Not all protocols are formally part of the Constitution but they are included at the end of this document for information.

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

Article 1 of the Constitution commits the Council to (i) provide clear leadership to the community in partnership with citizens and stakeholders, (ii) help Councillors represent their constituents more effectively, (iii) enable decisions to be taken efficiently and effectively with a powerful and effective means of holding decision makers to public account, (iv) ensure that no one will review or scrutinise a decision in which they were directly involved, (v) ensure that decision makers are clearly identifiable and that they explain the reasons for their decisions and (vi) provide a means of improving the delivery of services to the community.

### **3. How the Council operates**

The Council is composed of 49 Councillors. Each year for three years one third of the Council is elected (the County Council elections take place during the fourth year). 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 agreed to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The independent Standards Committee trains and advises them on the Code of Conduct and has investigatory and sanctioning powers.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader, the Deputy Leader and members of the Cabinet.

### **4. How decisions are made**

The Cabinet is the part of the Council which is responsible for most policy decisions. The Cabinet is made up of the Leader of the Council and seven Portfolio Holders, all of whom are appointed by the Council. When major decisions are to be discussed or made these are published in the Cabinet's Forward Plan insofar as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions 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.

## **5. Overview and Scrutiny Committee**

The overview and scrutiny function is carried out by the Overview and Scrutiny Committee. This Committee supports the work of the Cabinet and the full Council. They should be prepared to challenge, compare and consult in carrying out their duties.

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 as a whole on its policies, budget and service delivery.

The Overview and Scrutiny Committee also monitors the decisions of the Cabinet. They can "call in" a decision which has been made by the Cabinet but not yet implemented. This enables consideration to be given as to whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. The Committee may be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## **6. Area Committees**

In order to give local citizens a greater say in Council affairs and bring decision making closer to the community, there are five Area Committees. The geographical area of each Committee is set out in Article 10 of this Constitution and the Terms of Reference are explained in Part 3.

## **7. 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. There is a protocol, a copy of which is contained within Part 5 of this Constitution, which governs the relationships between officers and Members of the Council.

## **8. 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 have additional rights. These are not covered in this Constitution but may be found in other documents available from the Council.

Citizens have the right to:

- a) vote at local elections if they are registered;
- b) contact their local Councillor about any matters of concern to them;
- c) obtain a copy of the Constitution;
- d) attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- e) petition to request a referendum on a mayoral form of executive;
- f) ask questions at meetings of the full Council;
- g) contribute to investigations by the Scrutiny Committee;
- h) find out from the Cabinet's Forward Plan what and when major decisions are to be decided by the Cabinet, or by officers using delegated powers;

- i) attend meetings of the Cabinet where key decisions are being discussed or decided;
- j) see publicly available reports and background papers, and records of decisions made by the Council;
- k) complain to the Council if they have been treated unfairly or discourteously or when something:
  - i) has not been done that should have been;
  - ii) has been done badly or in the wrong way or
    - 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 Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- l) inspect the Council's accounts and make their views known to the external auditor;
- m) inspect and obtain copies of documents in accordance with the Access to Information Procedure Rules as set out in Part 4 of this Constitution.

The Council welcomes participation by its citizens in its work. For further information on participation, please contact the Democratic Services Manager.

