

North East Lincolnshire Council

Constitution

Part 1 – Summary and Explanation

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Our Council Constitution

The Constitution is a document, 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 a public document and is intended to inform anyone with an interest, whether internal or outside of the Council. The Constitution is divided into 3 parts:

Part 1 – Summary and Explanation

Part 2 – Decision Making (divided into 16 articles, which set out the basic rules governing the Council's business. More detailed rules of procedure are appended to each Article).

Part 3 – Codes and Protocols

What's in the Constitution?

Article 1 of the Constitution commits the Council to clear leadership and accountable decision making, together with active involvement of its citizens and improved service delivery. Articles 2 - 16 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. Decision Making
- Article 5. The Council Meeting
- Article 6. Chairing the Council
- Article 7. The Cabinet
- Article 8. Overview and Scrutiny of Decisions
- Article 9. Regulatory and Other Committees
- Article 10. The Standards and Adjudication Committee
- Article 11. Area Committees
- Article 12. Joint Arrangements
- Article 13. Officers
- Article 14. Finance Contracts and Legal Matters
- Article 15. Review and Revision of the Constitution
- Article 16. Suspension, Interpretation and Publication of the Constitution

How the Council operates

The Council is made up of 42 councillors, who, are elected in “thirds”. This meant that in 2016, 12 councillors had to seek re-election, this will be followed by a further 15 in 2018 and the final 15 in 2019. Once elected in 2016, 2018 and 2019, those councillors will serve for a full 4 year period before having to again seek re-election.

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 must follow a model code of conduct to ensure high standards in the way they undertake their duties. The Standards and Adjudication Committee of the Council 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. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council and other Committees of the Council. The Leader of the Council appoints the Deputy Leader and the remaining Member of the Cabinet (also known as "the executive"). The Committees are made up of individual councillors wholly nominated by the various political groups on the Council. The Council holds the Cabinet and the other committees of the Council to account in respect of the decisions they make.

How Decisions Are Made

Cabinet Members

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet can comprise of between 3 and 10 Councillors, one of whom is appointed by the Council as the Leader. The remaining Members of Cabinet, including the Deputy Leader, are appointed by the Leader of the Council. All Cabinet members have responsibilities as Portfolio holders. The Leader and Cabinet members have collective and individual responsibilities. When major decisions are to be discussed or made these are published in the Cabinet's Forward Plan (providing at least 28 days notice of key decisions to be made) in so far as they can be anticipated. When these major decisions are to be decided 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 which are in line with the Council's overall policies and budget. If the Cabinet 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.

Individual members of Cabinet may take decisions within their areas of responsibility, subject to an approved scheme of delegation. As with Cabinet decisions, there are specific legal requirements that must be observed in order to ensure that any decisions made are open and transparent.

Professional officers will make operational and routine decisions in relation to the services they manage for the Council. In doing so, they will act within a scheme of delegation and remain accountable to either the Cabinet or the full Council depending on the type of decision involved.

Non-Cabinet Members

Those councillors who are not members of the Cabinet make a contribution to the operation of the Council through membership of the Council's committees which have "Regulatory" and "Scrutiny" functions.

The Regulatory committees take decisions on "non-Cabinet" functions (such as planning and licensing), which by law are outside the scope of the Cabinet. Many of the day-to-day decisions within the Regulatory area will, in practice, be taken by professional officers acting in accordance with published schemes of delegation, but ultimately still accountable to the relevant committee or the full Council, depending on the decision involved.

In addition to approving the policy framework and budget at the full Council, councillors will also contribute to policy formulation and review through membership of scrutiny panels and select committees.

Overview and Scrutiny

There are currently five Scrutiny Panels who support the work of the Cabinet and the Council as a whole.

They allow citizens to have a greater say in Council matters by holding 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 scrutiny panels also monitor the decisions of the Cabinet. They can call-in a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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. A code of practice or protocol governs the relationships between officers and members of the council.

Officers may be authorised, either by the full Council, the Cabinet or a committee in the Regulatory areas, to take decisions. The scope of these delegated powers is defined in the general scheme of delegation approved by the full Council.

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, 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, subject to payment of a fee;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- complain to the Council about anything which the Council or its officers have done which detrimentally affects them;
- 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 process;
- complain to the Council's Standards and Adjudication Committee 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.