

CONSTITUTION OF THE COUNCIL

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Responsibility for Functions

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Members' Allowances Scheme

PART 1

SUMMARY AND EXPLANATION

The Council's Constitution

Hyndburn Borough Council adopted the original of this constitution on 1st November 2001. It has since been amended to reflect changes in legislation and Council circumstances. It sets out the rules and procedures by which the Council works and makes decisions, and is intended to make the Council efficient, transparent and accountable to the people of Hyndburn.

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.

What's in the Constitution?

Article 1 of the Constitution commits the Council to providing community leadership, promoting effective local democracy and ensuring the improvement quality and equality of the services it delivers.

Article 2 explains the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Articles 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- (Article 10 not in use).
- Joint arrangements (Article 11).
- Officers (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 (Article 16).

How the Council operates

The Council is composed of 35 councillors, with one-third elected every three years in four.

Councillors are democratically accountable to the 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 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 also appoints the Leader of the Council and the Cabinet, and can remove them from office as well.

How Decisions are made

The executive is the part of the Council responsible for most day-to-day decisions. The executive is made up of the Leader of the Council and a Cabinet of 5 other councillors, all of whom are appointed by the Council as a whole. When major decisions are to be discussed or made, these are published in the executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the executive, this 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 Committees

There are 2 Overview and Scrutiny Committees who support the work of the executive and the Council as a whole. 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 advising the executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committees also monitor the decisions of the executive. This enables them to consider whether decisions are appropriate. They may recommend that the executive reconsider decisions. They 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 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 governs the relationship between officers and members of the 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 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 this constitution;
- 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 executive;
- inspect the agendas and reports for committee meetings and attend the committee meetings, except where the report or the meeting discusses personal or confidential matters.
- find out, from key decision notices published on the Council's website, , what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- attend meetings of the executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and executive;
- complain to the Council about Council services or the conduct of officers or councillors;
- 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 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.

The Council welcomes participation by its citizens in its work.