

Part 1 Summary and Explanation

The Constitution

The North Norfolk District 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 the 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.

What's in the Constitution?

Article 1 of the Constitution commits the Council to providing clear and accountable leadership to the Community and providing opportunities for the involvement of citizens, businesses and other organisations. Articles 2 – 16 explain 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 (Article 5)
- Overview and scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other Committees (Article 8).
- The Standards Committee (Article 9).
- Area Committees and forums (Article 10).
- 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 48 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 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 appoints a Leader of the Council and the rest of the Cabinet who are also given responsibility for particular portfolios. The Council will answer questions submitted in the form set out in its rules of procedure (See Part 4-21).

How Decisions Are Made

The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, and up to 9 Portfolio Members who take responsibility for particular aspects of the Council's functions.

When major decisions are to be discussed or made, these are published in the Cabinet'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 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 that 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.

Meetings of the Council's other committees are open to the public except where personal or confidential matters are being discussed.

Overview and Scrutiny

The Scrutiny Committee undertakes the overview and scrutiny role to support the work of the Cabinet and the Council as a whole. It allows 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. This Committee also monitors the decisions of the Cabinet and can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. The Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Cabinet is assisted in the formulation and review of policy by policy panels which, although having no decision making power, can be set up to consider particular matters and make recommendations to the Cabinet.

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 relationships 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 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;
- 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;
- ask questions of the Council or the Cabinet and contribute to investigations by the Scrutiny Committee;
- 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;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council through its Complaints Procedure;
- 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 Standards Board for England 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. For further information on your rights as a citizen, please contact the Council's Monitoring Officer (01263 516145 - email emma.duncan@north-norfolk.gov.uk).

This constitution includes a section describing the rights of citizens to inspect agendas and reports and attend meetings (see Part 4).