

CONSTITUTION

PART 1 - SUMMARY AND EXPLANATION

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Summary and Explanation

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The Council's Constitution

Ashfield 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 14 Articles that set out the general rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of this document.

What is in the Constitution?

Article 1 of the Constitution commits the Council to provide clear leadership to the community in partnership with residents, businesses, the voluntary sector and other organisations; support the active involvement of the public in the decision-making process; take decisions efficiently and effectively; identify clearly those responsible for decision making and hold them to account; and improve the delivery of services to the community.

Articles 2 – 14 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 Role of the Council (Article 4)

Chairing the Council (Article 5)

The Executive (Article 6)

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Regulatory and Other Committees (Article 8)

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Decision Making (Article 11)

Finance, Contracts and Legal Matters (Article 12)

Review and Revision of the Constitution (Article 13)

Suspension, Interpretation and Publication of the Constitution (Article 14)

How the Council Operates

The Council is composed of 35 Councillors, who are elected every four years. Councillors, also known as Members, are democratically accountable to residents of their ward. Their overriding duty 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 and Personnel Appeals Committee trains and advises them on the Code of Conduct and works to maintain high standards of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public except if confidential or exempt information is being discussed. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints all other committees, including the Principal Select Committee and Regulatory Committees, approves all major strategies and policies, debates issues of local concern and determines all Constitutional issues.

How Decisions are Made

The Leader of the Council is personally responsible for the discharge of Executive Decisions and sets out within his/her scheme of delegation, the extent to which these are to be taken by him/herself, the Executive collectively (or as it is usually known, the 'Cabinet') an individual member of the Executive, a Committee of the Executive, or by an Officer. The Executive is made up of between 2 and 10 Councillors, chosen by the Leader including him/herself.

The Executive is required to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, the decision must be referred to the Council as a whole to decide.

In circumstances where a disaster or other unplanned incident threatens to take critical systems or services offline or out of action, the Chief Executive can exercise all necessary powers to ensure the continuity of operations and core council business

Overview and Scrutiny

There is a Principal Select Committee, Inward Focus Select Committee, and Outward Focus Select Committee, that support the work of the Executive and the Council as a whole. The Select Committees play a significant role in policy development, performance and in reviewing decisions already made.

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 Executive and the Council as a whole on its policies, budget and service delivery. Indeed, the Executive or the Council may consult with them on forthcoming decisions and the development of policy.

The Principal Select Committee also monitors executive decisions once they are made. In certain circumstances, Members can 'call-in' a decision which has been made by the Executive but not yet implemented.

The Regulatory Functions

The Council also has a series of 'regulatory' functions, such as issuing taxi licences or deciding on planning applications. These functions are carried out through a series of committees, each with specific responsibilities. These responsibilities are explained in Article 8 of the Constitution.

The Council's Employees

The Council has people working for it (called employees) to give advice, implement decisions and manage the day-to-day delivery of its services. Some employees (often described as 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 (set out in Part 6 of this Constitution).

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.

Citizens have the right to:

- Help to choose who is going to represent them on the Council by voting at local elections. To be able to vote you have to be on the electoral register. In order to register as an elector, you need to register individually by going online, www.gov.uk/register-to-vote, or by contacting the Elections Unit by email to: regelec@ashfield.gov.uk or by telephone on 01623 457321.
- Contact their local ward Councillor about any matters of concern to them. Councillor's contact details are on the Council's web site.

- Attend or access meetings of the Council, the Executive or ('the Cabinet') and Committees, except where, for example, personal or confidential matters are being discussed.
- Petition to request a referendum on a mayoral form of executive;
- Submit a petition to the Council regarding an issue of concern;
- Participate in the Council's public question time, speak at a Planning Committee meeting in regard to a particular application and on invitation, to contribute to investigations by the Select Committees;
- Find out, from the Forward Plan of Executive Decisions, what major decisions are going to be discussed by the Executive or decided by the Cabinet, an individual Executive Lead Member, or an Officer, and when this is going to happen.
- See reports and background papers, and any record of decisions made by the Council and Executive. Links to background papers are included in the Forward Plan and on the reports to Council and Cabinet and other bodies;
- File a complaint with the Council or the Ombudsman if you feel that the Council has acted inappropriately or unfairly; 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. Further information on citizens' rights can be obtained from the Council's Monitoring Officer. Please contact: democratic.services@ashfield.gov.uk if you would like to know more.

Responsible Citizenship

Citizens are expected and encouraged to work in partnership with their local Councillors and Council Officers and others for the wellbeing of their communities.

The Council both represents the interests and views of local people and is a partner with them in order to benefit our whole community. As such it will work with communities and local people to help them actively promote their own wellbeing, the wellbeing of their neighbourhoods and the District of Ashfield as a whole.

If you would like to find out more about how you can make a contribution to your local community email: locality@ashfield.gov.uk