

# **Part 1**

## **SUMMARY AND EXPLANATION**

## **The Council's Constitution**

The North Yorkshire Council's 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 these processes are required by the law, while others are a matter for the Council to choose.

The Council operates a Leader and Executive model of governance. This is explained below.

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

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 later in the Constitution document.

Article 1 of the Constitution commits the Council to work in partnership with others to:

- ◆ promote a successful North Yorkshire economy and infrastructure;
- ◆ raise standards of achievement in education and skills throughout life;
- ◆ promote safe, healthy and sustainable communities;
- ◆ reduce disadvantage and help people in need;
- ◆ improve how we work and communicate with people locally; and
- ◆ ensure a future capacity to provide quality services which people want.

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 Full Council (Article 4).
- ◆ Chairing the Council (Article 5).
- ◆ Overview and Scrutiny Committees (Article 6).
- ◆ The Executive (Article 7).
- ◆ Regulatory and Other Committees (Article 8).
- ◆ The Standards and Governance Committee (Article 9).
- ◆ Area Committees (Article 10).
- ◆ Joint Arrangements (Article 11).
- ◆ Staff (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 90 Councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to residents in their divisions, 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 Council operates through 4 main elements being the full Council, the Executive, Overview and Scrutiny, and its Committees. Each of these elements is supported by and delegates matters to Council employees known as Officers.

Full Council is where all Councillors meet together at meetings which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

The Council elects one Councillor as the Council Leader. The Leader and at least 2, but not more than 9, other Councillors appointed by the Leader form the Executive.

The Council has appointed 6 Overview and Scrutiny Committees to look at the effectiveness of the Executive and help develop Council policy.

The Council also appoints other Committees, including 6 Area Committees to deal with local matters and various regulatory committees to deal with functions including licensing and planning.

## **Full Council**

There are three types of full Council meeting: the Annual Meeting; ordinary meetings; and extraordinary meetings. They are conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

The Council sets the Budget and Policy Framework for the Council. All decisions must be taken in accordance with these and only full Council can change them.

A Chair is elected by the full Council at its Annual Meeting each year, which is usually held in May. The Council also elects a Vice Chair, who acts as Chair when the Chair is not available. The Chair (and the Vice Chair) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. The Chair promotes public involvement in the Council's activities. Although the Chair is an elected politician and has a vote, there is a duty to be impartial in carrying out the role. The Chair presides over meetings of the full Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution.

## **The Executive**

The Executive is the part of the Council which is responsible for most day-to-day decisions. 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 and must be published at least 28 days before a Key Decision is made. Urgency procedures allow for Key Decisions still to be taken if these timescales cannot be met.

If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The definition of exempt or confidential information is set by law and can be found in the Access to Information Procedure Rules in Part 4 of the Constitution.

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**

There are 6 Overview and Scrutiny Committees (and other ad hoc joint scrutiny of health overview and scrutiny committees established as and when required) whose job it is to look into how effectively the Council is serving the needs of its communities.

These Committees produce reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery, as well as looking at reviews of individual services.

Overview and Scrutiny Committees also monitor the decisions of the Executive. They can scrutinise an Executive decision which has been “called in” by any 6 Councillors. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision or they may refer the matter to full Council. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Overview and Scrutiny Committees perform specific statutory functions in relation to the scrutiny of health and crime and disorder matters. Their meetings are generally in public and they may involve citizens and other interested parties in their work, so that the public has a say in Council affairs.

The Council has established a Health and Wellbeing Board which undertakes functions and operates as required in relation to health and wellbeing matters, by the Health and Social Care Act 2012 and related regulations.

## **Area Committees**

In order to give local citizens a greater say in Council affairs, 6 Area Committees have been created. These cover the same areas as the 6 electoral constituencies for North Yorkshire MPs. They maintain an overview of the effectiveness of the public services provided to their local community by the Council and other agencies and to advocate the interests of their community in relation to those services. They involve Councillors for each particular area and meetings are held in public.

## **Regulatory and Other Council Committees**

Some decisions cannot be decided by the Executive including planning and licensing determinations. These non-executive functions are delegated by the Council to committees and Officers.

Council committees, unlike the Executive and its sub-committees, must generally be proportionate to the size of the political groups on the Council. Members of Council committees are appointed by full Council.

The Council has established committees to deal with regulatory functions such as licensing and planning matters.

In addition, Councillors take part when required in Appeals Committees.

There is also an Independent Remuneration Panel to advise on Members' Allowances.

These Committees and all the other committees are explained in more detail in Part 3.

## **The Council's Staff - Officers**

The Council has many people working for it: including teachers, social workers, staff in elderly persons homes and many others delivering direct services to the public. Staff who give advice, implement decisions and manage the day-to-day delivery of services are also known as 'Officers'. Some Officers have a specific duty to ensure that the Council acts within the law. A protocol governs the relationships between Officers and Members of the Council. The management structure is set out on the Council's website and in Part 7 of the Constitution. Officers must comply with the Employee Standards of Conduct Policy.

## **Citizens' Rights**

Citizens have a right to have a say about decisions which affect them, and to be able to understand what decisions have been taken and why.

Citizens have a number of specific 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, 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;
- ◆ attend meetings of the Council and its committees except where, exempt or confidential matters are being discussed;
- ◆ participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees;
- ◆ find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- ◆ attend meetings of the Executive except when confidential/exempt information is being considered;
- ◆ see reports and background papers, and any record of decisions made by the Council and Executive;
- ◆ comment or make suggestions in relation to the Council and the services it delivers, and complain if they feel something has gone wrong;
- ◆ 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 Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the relevant Code of Conduct for Members;
- ◆ inspect the Council's accounts and make their views known to the external auditor;
- ◆ submit a petition to the Council regarding issues of concern;
- ◆ petition to request a referendum on a different form of Constitution; and
- ◆ obtain a copy of the Constitution.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the office of the Chief Executive Officer at County Hall, Northallerton, North Yorkshire. A full statement of the rights of citizens to inspect agendas

and reports and to attend meetings is available from the Assistant Chief Executive Legal and Democratic Services at the same address.

## **Members' Conduct and Interests**

All Members of the Council must give a written undertaking that in performing their functions they will observe the Members' Code of Conduct. The Code is set out in Part 5 of this Constitution.

The Monitoring Officer maintains a register of the interests of the Members and certain co-opted Members of the Council and of members of town/parish councils located in the North Yorkshire area. These registers are available for inspection by the public at County Hall, Northallerton during normal office hours, by contacting the Monitoring Officer or by viewing the electronic interests forms published on the Council's website.

### **Note on the Text**

Text in ordinary type forms part of the Constitution

*Text in italics is explanatory, and not part of the Constitution*