

# Appendix A

## INTRODUCTION TO THE CONSTITUTION

### What is the Council's Constitution?

The 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 law, while others are a matter for the Council to choose.

The Constitution is divided into the following sections:

### Introduction to the Constitution

#### **Articles**

These set out the basic rules governing the Council's business. Article 1 of the Constitution commits the Council, working as a community leader in partnership with others, to providing high quality services that address inequalities, through continuous improvement and outlines governance arrangements that deliver efficient, open and accountable decision-making.

Articles 2-13 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)
- The Leader (Article 6)
- Committees, Sub-Committees, Area Committees, Forums and Local Strategic Partnership (Article 7)
- Joint arrangements (Article 8)
- Chief Officers (Article 9)
- Decision making (Article 10)
- Finance, contracts and legal matters (Article 11)
- Review and revision of the Constitution (Article 12)
- Suspension, interpretation and publication of the Constitution (Article 13)

#### **Responsibilities for Functions**

##### ***The Full Council***

##### ***Meeting Procedure Rules***

##### ***Public Participation and Engagement Rules***

##### ***Access to Information Rules***

##### ***Financial Regulations***

##### ***Contract Procedure Rules / Code of Procurement Practice***

##### ***Management of Assets, Land and Property Rules***

**Codes and Protocols** (HR Regulations, Members Code of Conduct, Licensing Code of Practice, Members Planning Code of Practice, Officer Code of Conduct, Protocols for Member Officer Relations and Code of Corporate Governance)

### **Members Allowances Scheme**

### **How the Council operates**

The Council is composed of 63 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~~ agreed to follow a local Code of Conduct for Members to ensure high standards in the way they undertake their duties.

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### **Decision making Structure**

The Local Government Act 2000 and statutory instruments (secondary legislation) specify the local authority functions that are the distinct and quite separate responsibility of the Council. The Local Government and Public Involvement in Health Act 2007 and associated statutory instruments to it, and the Localism Act 2011 have further impacted on how the Council's decision-making structure operates.

The Localism Act permits authorities to change their governance arrangements from a cabinet system to a committee system following the passing of a resolution. Such a resolution was passed by Barnet Council on 21<sup>st</sup> January 2014. The Council ceased operating a cabinet system at the subsequent annual meeting of the council following the resolution, and replaced it with a committee system in which decisions are either made by the Full Council or by a Committee of the Council, in which parties are represented in proportion to their overall strength on the Council. A structure chart of the Committee system is appended.

### **COUNCIL**

All Councillors meet together as the full Council. Meetings of the Council are normally open to the public.

### **Council Functions**

The Council's functions are set out in detail in the Responsibility for Functions section of the Constitution.

Some functions of Council can be delegated to committees or officers. They cannot be delegated to an individual Councillor.

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¶  
<#>• planning and enforcement; ¶  
<#>¶  
<#>• licensing and regulation; ¶  
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• a limited number of highway matters mainly concerned with public footpaths and bridleways; ¶  
• appeals against decisions; ¶  
• staffing; ¶  
• electoral management; ¶  
• appointments to other bodies; ¶  
• some other minor functions

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In addition, the full Council has the power to approve the budget and statutory policy framework. Part of the Council meeting is set aside for debate on policy development in which all Councillors are able to take part.

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All Councillors are permitted to serve on committees discharging Council functions.

### **Urgent and Emergency Decisions**

Decisions taken by committees or officers who have powers within the Constitution are subject to limitations and conditions imposed in the Constitution, including financial restrictions.

In exceptional circumstances, decisions may need to be taken urgently and alternative procedures are set out in the Constitution in the Responsibility for Functions section (e.g. where urgent action is required but might be delayed by following the normal procedures).

In an emergency (e.g. where immediate action is needed to protect life or property or to maintain a critical service) most of the restrictions are removed.

### **AREA COMMITTEES AND FORUMS**

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In order to give local citizens a greater say in Council affairs there are three Area Planning Committees dealing with planning applications. In addition, there are three Area Committees for the three parliamentary constituencies (Finchley and Golders Green; Hendon and Chipping Barnet) that look after issues such as highways, transport, town centre management and regeneration, refuse collection, recreation and leisure facilities, litter and recycling.

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Residents Forums also meet in the same local constituency areas and are for local issues citizens want to raise.

### **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 and the Public Participation Rules. Some of these are legal rights, whilst others depend on the Council's own processes.

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:

- be treated equally
- 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
- speak at a residents forum as outlined in this Constitution and comment on Council plans and proposals before decisions are made
- ask a question and speak at most meetings, but not meetings of full Council
- see reports and background papers, and any record of decisions made by the Council and its Committees
  
- complain to the Council if:
  - the Council has not done something it promised to do
  - the Council has treated anyone unfairly or impolitely
  - the Council has not provided a service within the time set
  - another organisation providing services on behalf of the Council has not done so properly
  - there is any other justifiable complaint

A leaflet with further information about complaints is available from Barnet libraries and Barnet On-line.

- 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 local Code of Conduct for Members; and
- inspect the Council's accounts and make their views known to the external auditor.
- submit a petition to the Council if they live, work or study in the authority's area and are concerned about a Council service or a decision that is about to be made.

The Council welcomes participation by its citizens in its work.

Citizens have the right to attend all meetings held in public. A weekly list of meetings is available on the Council's website "Barnet On-line" at [www.barnet.gov.uk](http://www.barnet.gov.uk).

Citizens also have the right to inspect agendas and reports to these meetings and to take copies. These documents are also available at Hendon Library, Barnet House Reception, Building 2 Reception, North London Business Park and on the Council's website "Barnet On-line" at [www.barnet.gov.uk](http://www.barnet.gov.uk). Further information is available from the contact officer named on each agenda.

For further information telephone the Governance Service 020 8359 2000.

### ***Explanatory Notes***

1. Throughout the Constitution are references to 'Working Day'. For the purposes of the Constitution, a working day is defined as any day, Monday to Friday inclusive, excluding Public Holidays, finishing at 11pm.

2. There are also references to documents, motions, requests, questions, emails, and letters being received on a specified number of 'clear working days' before a meeting. For the purposes of this definition clear working days do not include the date of the despatch of the document, motion, request, question, emails, or letter or the day of the meeting.

