

Introduction and Summary to the Constitution

The Constitution sets out the parameters within which the Council should operate, how decisions are to be made and the procedures which are to be followed; this is to ensure that the Council is efficient, transparent and accountable to residents. 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:

Part 1 - The Articles

- Article 1 - The Constitution
- Article 2 - Members and The Council
- Article 3 - The Full Council
- Article 4 - The Mayor
- Article 5 - Decision Making
- Article 6 - The Executive
- Article 7 - Officers

Part 2 - Allocation of Responsibilities

- Part 2A - Terms of reference of Council
- Part 2B - Terms of reference and delegation of duties to Committees and Sub-Committees
- Part 2C - Joint arrangements and Boards
- Part 2D - Terms of reference and delegation to the Cabinet
- Part 2E - Terms of reference of Cabinet Members
- Part 2F - Delegation to Head of Paid Services, Chief Officers and Statutory Officers
- Part 2G - Terms of Reference Functions not to be the Responsibility of the Executive

Part 3 - Rules of Procedure

- Part 3A - Council Procedure Rules
- Part 3B - Executive Procedure Rules
- Part 3B1 - Appendix to Executive Procedure Rules - Delegated Powers of Cabinet Members
- Part 3C - Committee Procedure Rules
- Part 3C1 - Overview and Scrutiny Sub-Committee Call-in Procedure Guidance
- Part 3D - Budget and Policy Procedure Rules
- Part 3E - Access to Information Procedure Rules
- Part 3F - Petition Scheme

Part 4 - Regulations, Rules and Codes

- Part 4A - Financial Regulations
- Part 4B - Contract Procedure Rules
- Part 4B1 - Land and Property Transactions Authorisation and Delegated Powers
- Part 4C - HR Regulations
- Part 4D - Member Code of Conduct
- Part 4D1 - Procedure for Dealing with Member Complaints
- Part 4E - Member Licensing Code
- Part 4F - Member Planning Code
- Part 4G - Code of Conduct for Officer Member Relations
- Part 4H - Code of Corporate Governance

- Part 4I - Members' Allowance Scheme
- Part 4J - Protocol for Recording Decisions made by Officers
- Part 4K - Members' Rights to Access Information - Guidance and protocol
- Part 4L - Code of Recommended Practice on Local Authority Publicity
- Part 4m - Code of Conduct for Officers

1 How the Council operates

- 1.1 The Council is composed of 63 Councillors (Members) elected every four years. Councillors are democratically accountable to all residents in the Borough and in particular to those living in the Ward to which they have been elected. 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.
- 1.2 Councillors have agreed to follow the Code of Conduct for Members to ensure high standards in the way they undertake their duties.
- 1.3 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.
- 1.4 The Council appoints the Overview and Scrutiny Committee, which has the role of checking the actions of the Executive in delivering services and helping the Executive to develop plans and policies.
- 1.5 Members of the public can present petitions and ask questions at meetings of the Council.

2 How decisions are made

- 2.1 The Executive is the part of the Council, which is responsible for most day to day decisions. The Executive is made up of the Leader and between two and nine other Councillors appointed by the Council, this group is also known as the Cabinet.
- 2.2 When major decisions are to be discussed or made, they must be published in the Council's Forward Plan in so far as they can be anticipated. This Forward Plan will be regularly updated and is available to the public so they can monitor all the important decisions made by the Executive. When these major decisions are to be discussed at a meeting of the Executive (or Cabinet), these meetings will be open to the public to attend, except where personal or confidential matters are to be discussed.
- 2.3 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 (unless the matter is so urgent that special arrangements have to apply).

3 Overview and Scrutiny

- 3.1 The Council has an Overview and Scrutiny Committee, which in turn appoints Scrutiny sub-committees, which support the work of the Executive and the Council as a whole.
- 3.2 The Overview and Scrutiny Committee and Scrutiny sub-committees play a role in the formulation of the policies and strategies of the Council and in the setting of the budget. They can be consulted by the Executive or the Council on forthcoming decisions and the development of policy. They can scrutinise areas of the Council's work before or after decisions are made.

3.3 The Overview and Scrutiny Committee can monitor the decisions of the Executive and have a power to “call-in” certain decisions of the Executive where they have yet to be implemented. When an Executive decision is “called-in” the Executive can be asked to reconsider its decision. However, the Overview and Scrutiny Committee cannot overrule the Executive.

4 Other Committees

4.1 Further information on other committees can be found in Part 2 of this Constitution.

5 The Council’s Staff

5.1 The Council has people working for it (called “officers”) to give advice, implement decisions and manage the day to day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Code of Conduct for Officer Member Relations at Part 4G of the Constitution governs the relationship between officers and Members of the Council (Councillors).

6 Citizens’ Rights

6.1 Citizens¹ have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council’s own processes.

6.2 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 rights are not covered specifically in the Constitution.

6.3 The Council welcomes participation by citizens in its work.

6.4 Further information on how to attend and participate at meetings can be found on the Authority’s website at: <https://www.barnet.gov.uk/your-council/democracy-barnet>

¹ For the purposes of this Constitution, the term Citizens includes (where appropriate) those people who study, work or have businesses in Barnet.