

Part 1

Summary and Explanation

THE CONSTITUTION OF THE COUNCIL

Northampton Borough Council operates in accordance with a new Constitution which sets out how the Council functions, 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 decide.

The Constitution is divided into 17 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 annexed to this Constitution.

CONTENTS OF THE CONSTITUTION

Article 1 of the Constitution commits the Council to use its best endeavours to provide economic efficient and effective local governance to its citizens in the best interests of Northampton as a whole. Articles 2-17 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).
- Audit Committee (Article 9)
- The Standards Committee (Article 10).
- Area Partnerships, Forums and Consultative committees (Article 11).
- Joint Arrangements (Article 12).
- Officers (Article 13).
- Decision making (Article 14).
- Finance, Contracts and Legal matters (Article 15).
- Review and revision of the Constitution (Article 16).
- Interpretation, Publication and Suspension of the Constitution (Article 17).

HOW THE COUNCIL OPERATES

The Council is composed of 47 Councillors (otherwise called Member) 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 is responsible for appointing the Leader, and other members of the Cabinet, and the committees of the Council, and for setting its Budget and Policy framework on the recommendation of the Cabinet. It provides opportunities for public participation within its Guidelines for Open Government and for debate on such issues as are from time to time relevant to the best interests of the Council Tax and Business Rate payers. Article 4 of the Constitution expands upon and clarifies the detailed functions of the Council.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet comprises the Leader, who is elected by the Council, and 5 other Councillors also appointed by the Council. When major decisions (Key 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 to be discussed. The Cabinet 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 and/or Policy framework, this must be referred to the Council as a whole to decide.

Individual members of the Cabinet (Portfolio Holders) have the power to make a decision. The type of decisions they can make are outlined in Part 3 of the Constitution.

OVERVIEW AND SCRUTINY

There is an Overview and Scrutiny Committee which supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding 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. The Overview and Scrutiny Committee also monitors the decisions of the Cabinet. It can "call-in" certain decisions which have 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 Overview and Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

AREA PARTNERSHIPS & FORUMS

In order to give local citizens a greater say in Council affairs, a number of Area Partnerships and Forums exist. These are listed in Article 11 which also indicates their objectives.

They involve representative Councillors, are held in public, and the Constitutions of the Forums vary with the intent of providing a broad spectrum of democratic opinion within the ambit of their terms of reference.

THE COUNCIL'S EMPLOYEES

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 relationship 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 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;
- ❑ participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee to the extent referred to in the Council's Guidelines for Open Government which are annexed to this Constitution;
- ❑ 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;

- Subject to the rules as to Confidential and Exempt Information see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about its functions or its operation in accordance with its Complaints Procedure annexed to the Access to Information Procedure Rules comprised within Part 4 of this Constitution;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. They should however only do this after using the Council's own Complaints Procedure;
- complain to the Standards Board for England if they have evidence which they think demonstrates 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 and this Constitution includes the rights of citizens to inspect agendas and reports and to attend meetings.