

CONSTITUTION OF THE COUNCIL

Summary and Explanation

The Council's Constitution

This 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 16 Articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council, working as a community leader in partnership with others, to providing high quality services to Best Value principles that address inequalities, with governance arrangements that deliver efficient, open and accountable decision-making.

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 Council Meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of Decisions (Article 6)
- The Executive (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees and Forums (Article 10)
- Joint arrangements (Article 11)
- Officers (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 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 to follow a Local Code of Conduct for Members 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 each year appoints the Executive; that is the Leader and a Cabinet of 9 other councillors. The Executive is responsible for developing the policy framework and budget and, following Council approval where necessary, for implementing it by running most services. The Council meeting also assists the Executive in the development of policy. The Council holds the Executive to account by appointing non-executive councillors to Overview and Scrutiny Committees. Non-executive councillors are also able to question the Leader and members of the Cabinet, and have the opportunity to comment on and question in writing the work of the Cabinet. The information in these processes is normally made public.

How Decisions are Made

The Executive is the part of the Council that 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. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. The Executive has to make decisions that 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, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

There are six Overview and Scrutiny Committees and from time to time Barnet will be a member of a pan London and other Overview and Scrutiny Committees which support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding investigations 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. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

One of the Overview and Scrutiny Committees monitors the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It can recommend that the Executive reconsider the decision.

AREA COMMITTEES AND FORUMS

In order to give local citizens a greater say in Council affairs there are three area planning sub-committees dealing with planning applications. These are based on the parliamentary constituency boundaries– Finchley and Golders Green, Hendon and Chipping Barnet. In addition, there are three environment sub-committees for the same areas that look after issues such as highways, transport, town centre management and regeneration, refuse collection, recreation and leisure facilities, litter and recycling.

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. 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:

- 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 on any aspect of Council services and to comment on Council plans and proposals before decisions are made

- contribute to investigations by the Overview and Scrutiny committees
- ask a question and speak at most meetings
- 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 where key decisions are being discussed or decided
- see reports and background papers, and any record of decisions made by the Council and Executive
- 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 Standards Committee 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.

The Council welcomes participation by its citizens in its work. A leaflet giving further information is available from Barnet libraries.

Citizens have the right to attend all meetings held in public. A weekly list of meetings is published outside The Town Hall in Hendon, at Barnet House Reception, Building 2, North London Business Park Reception other Council locations as appropriate, and on the Council's Website "Barnet On-line" at 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. Further information is available from the contact officer named on each agenda. For further information telephone 020 8359 4000.