

COUNCIL CONSTITUTION

Selby District Council has approved a Constitution which 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 Constitution is divided into 15 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 at the end of the document.

The Constitution is subject to and must be interpreted in accordance with legislation.¹

What's in the Constitution?

Article 1 of the Constitution explains the purpose of the Constitution and pledges that the Council will exercise all its powers and duties in accordance with the law and the Constitution. Articles 2 to 15 explain the rights which the public have and how the key parts of the Council operate. These are:

- Councillors (Article 2).
- The Public and the Council (Article 3).
- The Council (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny Committees (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- Standards Arrangements (Article 9)
- Officers (Article 10).
- Joint Arrangements (Article 11).
- Decision-making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

How the Council operates

The Council is composed of 31 councillors elected once every 4 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 follow a code of conduct to ensure high standards in the way they undertake their duties.

¹ NB: Where there is conflict between the Constitution and any legislative changes the legislation takes precedence.

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 ensures that the Leader and Executive act in accordance with the Budget and Policy Framework established by the Council and holds them to account for the executive decisions which they take.

How decisions are made

The Executive

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 who is elected by the Council for a four year term at the Council's annual meeting and between 2 and 9 other councillors whom the Leader appoints. One of the councillors appointed by the Leader will be his or her deputy leader. The functions that the Executive is responsible for can be outlined in Part 3.3 of this Constitution.

When major decisions are to be discussed or made, these are published in the Executive's Forward Plan of Key Decisions 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 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 three overview and scrutiny committees who support the work of the Executive and the Council as a whole. Their roles are outlined in part 3.5 of this constitution. They allow the public to have a greater say in Council matters by holding inquiries in public into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery. The Scrutiny Committees also monitor the decisions of the Executive and can call-in a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

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, as well as taking decisions if responsibility has been delegated to them. Many decisions will be made by officers exercising delegated powers. Where these meet certain criteria these must be recorded and published in the interests of openness and transparency. Further details on these requirements can be found in Article 12.

Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and members of the Council (Part 5.3).

The Public's rights

Members of the public 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 a council tenant, they have additional rights. These are not covered in this Constitution.

The public have a 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;
- film and record meetings of the Council, the Executive and Committees which are open to the public according to the Council's protocol on audio/visual recording and photography at meetings (part 5.8);
- petition, including the right to petition to request a referendum on a mayoral form of executive;
- submit questions to meetings of the Council and contribute to investigations when invited to do so by the overview and scrutiny committees;
- find out, from the Executive's Forward Plan of Key Decisions, 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 the Executive except where the report and background papers are exempt under the Access to Information Procedure Rules (part 4.2);
- complain to the Council as outlined in the Council's Corporate Complaints Policy;
- complain to the Local Government and Social Care 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 Monitoring Officer in line with the arrangements in part 5.2 of the constitution if they have evidence which they think shows that a councillor has not followed the Councillor Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.