

# CONSTITUTION OF THE COUNCIL

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## Part 1

# SUMMARY AND EXPLANATION

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## Summary and Explanation

### THE COUNCIL'S CONSTITUTION

Derbyshire Dales District Council has adopted 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 law, while others are a matter for the Council to choose.

The Constitution is divided into 13 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.

### WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to provide accountable, transparent, effective and efficient decision making and community leadership which involves local people, organisations, and its partners. Articles 2 - 13 explain the rights of local people and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens Involvement and Participation (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Council's Committees (Article 6)
- Area Community Forums (Article 7)
- Joint arrangements (Article 8)
- 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)

### HOW THE COUNCIL OPERATES

The Council is composed of 34 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 the Council's Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Monitoring Officer trains and advises them on the Code.

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 holds the policy committees to account, and is itself a policy development body. There is an opportunity at Council meetings for members of the public to participate by putting their questions to Councillors. The Civic Chairman of the District of Derbyshire Dales reports to each meeting and the Leader of the Council has an opportunity to address the Council meeting on issues concerning the District of Derbyshire Dales at Council and their attendance at meetings with significant partners.

## **HOW DECISIONS ARE MADE**

Most day-to-day decisions are made by policy committees. The Council has 2 policy committees called Governance and Resources and Community and Environment. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Meetings of the Council's policy and other committees are open to the public except where personal or confidential matters are being disclosed.

In addition, senior officers of the Council make decisions under delegated authority.

Decisions can be challenged and reviewed before they are implemented by the Scrutiny Committee, which also examines how well the Council is performing and identifies potential improvements to policies, procedures and services.

## **AREA COMMUNITY FORUMS**

In order to give local people a greater say in Council affairs, there are 3 Area Community Forums. These cover the Northern, Central and Southern areas of the District and are intended to act as a focus point for mutual communication and consultation between the local community, stakeholders and Councillors from all local councils in their area. They are held in public at various meeting venues throughout the District.

## **THE COUNCIL'S EMPLOYEES**

The Council has people working for it to give advice, implement decisions and manage the day to day delivery of its services. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between employees and members of the Council. The Protocol is included in Part 5 to this Constitution.

## **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 a leisure centre user or as an applicant for planning permission, 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
- 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 Public Participation Scheme
- Attend committee and Council meetings where key decisions are being discussed or decided
- See reports and background papers, and any record of decisions made by the Council and its committees.
- Complain to the Council about the exercise of any of its functions through the Complaints Scheme. A copy of this can be found on the District Council's website [derbyshiredales.gov.uk](http://derbyshiredales.gov.uk) or by calling at any Council reception to request one.
- Complain to the Council's Monitoring Officer about the behaviour of one of its Councillors or the behaviour of a local Parish/Town Councillor
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they are recommended to do this after using the Council's own complaints process
- Inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by local citizens in its work. For further information on your rights as a citizen, please contact the Committee Team – [committees@derbyshiredales.gov.uk](mailto:committees@derbyshiredales.gov.uk).