

## **Part 1 - Summary and Explanation**

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### 1. The Constitution

- 1.1 The Council's Constitution (a set of rules and principles) sets out how we work, how we make decisions, and the procedures we follow to make sure our work is efficient and accountable to local people. Some of these procedures are set by law, while others are ones we have chosen to follow.
- 1.2 The Constitution is divided into Articles (sections) 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' within the Constitution.

### 2. What's in the Constitution?

- ◆ Article 1 - The Constitution
- ◆ Article 2 - Members of the Council
- ◆ Article 3 - The public's rights and responsibilities
- ◆ Article 4 - The full Council
- ◆ Article 5 - The Mayor
- ◆ Article 6 - The Executive
- ◆ Article 7 - Overview and Scrutiny
- ◆ Article 8 - Regulatory and other Committees
- ◆ Article 9 - Joint arrangements
- ◆ Article 10 - Management structure
- ◆ Article 11 - Decision-making
- ◆ Article 12 - Finance, contracts and legal matters
- ◆ Article 13 - Monitoring and reviewing the Constitution
- ◆ Article 14 - Suspending, understanding and publishing the Constitution.

### 3. How the Council works

- 3.1 The Council is made up of 60 Members, one-third of whom are normally re-elected each year. Members are elected to represent, and be answerable to, people living in their ward (the area they cover). Members have an overriding responsibility to the whole community, but they have a special duty to all their constituents (people who live in their wards).
- 3.2 Members have to follow the Council's Code of Conduct for Members to make sure they achieve high standards when carrying out their duties. The Audit Committee trains and advises Members on the Code of Conduct.
- 3.3 All Members meet together at Council meetings which are normally open to the public. At Council meetings, Members decide major policies and set the Budget each year. The Council has to:
- (a) Adopt and, where necessary, amend, the Constitution;
  - (b) Adopt the Code of Conduct;

- (c) Agree the major Policy and Budget Framework;
- (d) Appoint Members to Committees;
- (e) Appoint the Leader;
- (f) Appoint the Chief Executive.

#### 4. **How decisions are made**

The Executive is responsible for most day-to-day decisions. The Executive is made up of the Leader and up to nine Members appointed by the Leader. When key decisions are to be discussed or made, these are published in the Executive's Forward Plan whenever possible. If these key decisions are to be discussed with Council officers at a meeting, this meeting will generally be open to the public unless exempt or confidential matters will be discussed. The Executive has to make decisions which are in line with our overall major Policies and Budget Framework. If they want to make a decision which is outside the Framework or budget, this must be referred to the Council.

#### 5. **Overview and Scrutiny Committees**

5.1 Scrutiny Committees support the work of the Executive and the Council. The Committees allow members of the public to have a greater say in Council business by consulting them on matters that concern them. These inquiries lead to reports and recommendations which advise the Executive and the Council on its policies, budget and services. Scrutiny Committees monitor services and Executive decisions. If the Committee considers that a decision is inappropriate it may recommend that the Executive reconsiders the decision. The Executive may also consult Scrutiny Committees on forthcoming decisions and ask them to develop policies.

5.2 The Health Scrutiny Committee undertakes a similar policy development and scrutiny role in relation to the health of the local community by working with all NHS bodies in our area.

#### 6. **Council staff**

Council 'officers' give advice to Members, put the Executive's decisions into practice and manage the way services are delivered. Some officers have to make sure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationship between Council officers and Members.

#### 7. **Your rights**

7.1 The public have a number of rights when dealing with the Council. These rights are set out in more detail in Article 3. Some of these are rights given by the law, but others are rights the Council has decided to give. The local Citizens' Advice Bureau can give advice on your particular rights.

- 7.2 If you use Council services, for example as a parent of a school pupil, you have additional rights that are not covered within this Constitution.
- 7.3 As a member of the public you have the following rights.
- (a) To vote at local elections (if you are registered to vote);
  - (b) To contact your local member about any matters which concern you;
  - (c) To get a copy of the Constitution;
  - (d) To attend Council and Committee meetings (as long as exempt or confidential matters are not being discussed);
  - (e) To ask questions, or present a petition at Council meetings (as long as the questions or petitions are about an issue that affects Peterborough);
  - (f) To sign and present a petition asking for a referendum so local people can vote on whether or not a Mayor should be elected;
  - (g) To contribute to the Council's consultations when appropriate;
  - (h) To find out, from the Executive's Forward Plan, what key decisions will be discussed or decided at its meetings, and when;
  - (i) To attend meetings of the Executive (as long as exempt or confidential matters are not being discussed);
  - (j) To see reports and background papers on, and any records of, decisions made by the Council or its Committees;
  - (k) To complain about a service provided by the Council;
  - (l) To complain to the Ombudsman if you think the Council has not followed its procedures properly. (However, you should only do this after going through our own complaints procedure);
  - (m) To complain to the Council's Monitoring Officer if you have evidence which you think shows that a Councillor has not followed the Council's Code of Conduct;
  - (n) You can get a copy of our complaints procedure, and details of the Ombudsman or Monitoring Officer / Audit Committee from the Council's Customer Services Officer on 01733 747474;
  - (o) To inspect our accounts and make your views known to the external auditor.
- 7.4 We welcome your involvement in our work. For further information on your rights, please telephone the Customer Services Officer on 01733 747474.