

PART 1

Summary and Explanation

November 2015

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The council's Constitution

Derby City Council's Constitution sets out how the council operates and how decisions are made, and the procedures that 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 16 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 in the document.

What is in the Constitution?

This Constitution explains the rights of citizens and how the key parts of the council operates. These are:

- The Constitution - Article 1
- Members of the Council - Article 2
- Citizens and the Council - Article 3
- The Council meeting - Article 4
- Charing Council - Article 5
- Overview and scrutiny boards - Article 6
- Council Cabinet - Article 7
- Regulatory and other committees - Article 8
- The Standards Committee - Article 9
- Neighbourhood Boards and Neighbourhood 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 51 councillors, who represent 17 three-member wards with one third elected three years in four.

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. Councillors decide the council's overall policies and set the budget each year. The Council appoints the Executive Leader, committees, overview and scrutiny boards and panels, and approves the budget and policy framework. The Executive Leader appoints the Executive, known as the Council Cabinet.

Council meetings also include a public question time and, in certain circumstances, the consideration of petitions.

How decisions are made

The Council Cabinet is the part of the council that is responsible for most day-to-day decisions. The Council Cabinet is made up of a Leader, with an Executive of no fewer than two and no more than nine other members. When major decisions are to be discussed or made, these are published in the Council Cabinet's Forward Plan in so far as they can be anticipated. If these major decisions are being taken at a meeting of the Council Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Council Cabinet 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 Council as a whole to decide.

Committees deal with regulatory functions such as planning applications, licensing and most other regulatory business.

Overview and Scrutiny

The overview and scrutiny boards support the work of the Council Cabinet and the Council as a whole. They allow citizens to have a greater say in council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Council Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny boards also monitor the decisions of the Council Cabinet. They can 'call-in' a decision that has been made by the Council Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Council Cabinet reconsider the decision. They may also be consulted by the Council Cabinet or the Council on forthcoming decisions and the development of policy.

Neighbourhood Boards and Partnerships

In order to give local citizens a greater say in council affairs, each electoral ward of the city will have a Neighbourhood Board of partner and resident representatives, led by the three councillors elected for that ward, and a Neighbourhood Forum open to all residents.

The council's officers

The council has people working for it 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. Codes of practice govern the conduct of officers and 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, while 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.

The council welcomes participation by its citizens in its work. There is a statement of the rights of citizens to inspect agendas and reports and attend meetings. A summary of these rights is in Article 3(1)(2).