

# SUMMARY AND EXPLANATION

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## **The Council's Constitution**

At its meeting on 1 November 2001 the Ryedale District Council agreed a new 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. For instance, the Council's Standing Orders are included in Part 4 - Rules of Procedure

## **What is in the Constitution?**

Article 1 of the Constitution commits the Council to 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 Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committee (Article 6)
- The Policy and Resources Committee, the Licensing Committee and the Planning Committee (Article 7)
- The Overview and Scrutiny Committee acting as a Corporate Governance Standards Committee (Article 8)
- Area Committees and Forums (Article 9)
- Joint arrangements (Article 10)
- Officers (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**

As from 1 May 2003 the Council comprises 30 Councillors elected every four years. The overriding duty and accountability of Councillors is to the whole community, in the Ryedale District, but they have a special duty to their constituents in their Ward, 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 Overview and Scrutiny Committee acting as a Corporate Governance 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; settle the Council's main plans, like the Best Value Performance Plan; and approve the Council's contribution as a partner to the Ryedale Community Plan.

## **How Decisions are Made**

Most day to day decisions are made by Committees or senior officers of the Council under delegated authority. The Council has a Policy and Resources Committee responsible for policy including budget formulation and Community related issues, the Economy and the Environment. The Planning Committee deals with planning applications and related matters and Planning Policy. The Licensing Committee deals with regulatory licensing matters.

Meetings of the Council's Committees are, by law, publicised well in advance and are open to the public except where personal or confidential matters are being discussed.

## **Overview and Scrutiny**

There is one Overview and Scrutiny Committee which examines and supports the work of the Policy and Resources Committee, the Licensing Committee, the Planning Committee and the Council as a whole. It reports and is accountable, to Full Council. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local interest. These can lead to reports and recommendations which advise the Policy and Resources Committee, the Licensing Committee, the Planning Committee and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the

decisions of the Policy and Resources Committee. They can “call-in” a decision which has been made but not yet implemented.

This enables them to consider whether the decision is appropriate. They may recommend that the relevant Committee or Full Council should reconsider the decision. They may also be consulted by the Policy and Resources Committee on forthcoming decisions and the development of policy. The Overview and Scrutiny Committee is responsible for ensuring that the Council complies with its duties concerning Best Value, in accordance with the Local Government Act 1999.

### **Area Committees or Forums**

The Council does not currently have Area Committees or Forums but may choose to create these in the future, following public consultation on their number, composition, function and delegated financial authority.

### **The Council’s Staff**

The Council employs staff, by convention known as Local Government 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 protocol set out in Part 5 governs the relationships between Members of the Council and Officers, rooted in mutual respect.

### **Citizens’ Rights**

Citizens have a number of rights in connection with 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.

Citizens have the 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;
- inspect agendas and reports except where, for example, a report has been written about a confidential matter;
- petition to request a referendum on a mayoral form of executive;
- complain to the Council under its internal complaints process;
- complain to the Local Government Ombudsman if they think the Council has either broken the law or not followed its procedures properly. However, they should only do this after using the Council's own complaints process; and
- inspect the Council's accounts and make their views known to the external auditor.

A statement of the rights of citizens to inspect agendas and reports and attend meetings is available at the Council's offices.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen please contact: Council Solicitor, on 01653 600666.