



CONSTITUTION OF THE COUNCIL

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PART 1

SUMMARY AND EXPLANATION

The Council's Constitution

This constitution 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 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 at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to providing clear leadership, to involving people in decision making and to ensuring that decisions are effective and transparent. Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate.

How the Council operates

The Council is composed of 33 councillors 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. Training and advice on this is provided.

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 appoints a Leader and Deputy Leader.

Once appointed, the Leader remains in office until the next Annual Meeting of the Council. The Leader only ceases to be Leader before that time because of death or disqualification or following a vote to remove the Leader in accordance with this Constitution.

The Council appoints an Executive in the form of a Leader and cabinet to take decisions within that policy and budget framework. It appoints an Overview and Scrutiny Committee to monitor those decisions and to produce recommendations on future policy. It also appoints a Licensing Committee, Taxi Licensing Committee, Development Management Committee, Accounts and Audit Committee, Standards Committee and Area Committees.

How decisions are made

The Executive is the part of the Council which is responsible for most day-to-day decisions. It is made up of the Leader of the Council and a cabinet of between 2 and 9 councillors. When major decisions are to be discussed or made these are published in the Executive's forward plan in so far as they can be anticipated. 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 generally be referred to the Council as a whole to decide.

Overview and Scrutiny

There is an Overview and Scrutiny Committee which supports the work of the Executive 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 Executive and the Council as a whole on its policies, budget and service delivery.

The Overview and Scrutiny Committee also monitors the decisions of the Executive. There is a 'call-in' procedure under which a decision which has been made by the Executive can be sent back for further review before it is implemented. This enables it to consider whether the decision is appropriate.

It may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Area Committees

In order to give local citizens a greater say in council affairs, four Area Committees have been created. These cover:

- Barrowford and Western Parishes
- Colne and District
- Nelson, Brierfield and Reedley
- West Craven

The Council's Staff

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 code of practice governs the relationships between employees 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, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and other advice agencies can advise on individuals' legal rights.

The Council welcomes participation by its citizens in its work. For further information on the rights as a citizen, please contact Democratic Services via email: committee@pendle.gov.uk