

## **Part 1 Summary and explanation**

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## **Part 1 Summary and explanation**

### **PART 1A - THE COUNCIL'S CONSTITUTION**

#### **1 Summary**

- 1.1 City of York Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed. These procedures will ensure that decisions are taken at the right time, by the right body, considering the right issues and options and will be non-bureaucratic, transparent, accountable to local people and deliver Council priorities. Some of these processes are required by law, while others are a matter for the Council to choose. The Constitution is divided into 17 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 later in the document.

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

- 2.1 **Article 1** of the Constitution commits the Council to work in partnership with others to:
- (a) Maintain and improve the quality of York's environment
  - (b) Improve educational opportunity and achievement for everybody in York
  - (c) Strengthen York's economy
  - (d) Reduce crime and help people feel safe in York
  - (e) Improve the health and well-being of York residents
  - (f) Ensure that all residents can take part in the life of the City
  - (g) Ensure that the City of York Council is a high-performing Council
- 2.2 **Articles 2 – 17** explain the rights of citizens and how the key parts of the Council operate. These are
- (a) Members of the Council (Article 2)
  - (b) Citizens and the Council (Article 3)
  - (c) The Full Council (Article 4)
  - (d) Chairing the Council (Article 5)
  - (e) Overview and Scrutiny (Article 6)
  - (f) The Executive and Executive Member Advisory Panels (Article 7)
  - (g) The Standards Committee (Article 8)
  - (h) The Audit & Governance Committee (Article 9)
  - (i) Regulatory and other Committees (Article 10)
  - (j) Ward Committees (Article 11)
  - (k) Joint Arrangements (Article 12)

- (l) Staff (Article 13)
- (m) Decision Making (Article 14)
- (n) Finance, Contracts and Legal Matters (Article 15)
- (o) Review and Revision of the Constitution (Article 16)
- (p) Suspension, Interpretation and Publication of the Constitution (Article 17)

### **3 How the Council Operates**

- 3.1 Council is composed of 47 Councillors elected every 4 years. These Councillors are known as elected Members. Councillors are democratically accountable to residents in 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.
- 3.2 All Councillors meet together at meetings of the Council which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints one Councillor as the Council Leader. The Leader and six other Councillors appointed by the Council form the Executive. The Opposition Leader and six other Councillors from the largest opposition party form the Shadow Executive. The function of the Shadow Executive is to provide a forum for the consideration of Executive and other business and to offer advice to the Executive. The Council also appoints Committees, including Ward Committees to deal with local matters, and a Scrutiny Management Committee with two standing Scrutiny Committees to look at the effectiveness of the Executive and help develop Council Policy.
- 3.3 The Council employs a variety of staff to deliver services to the community. These staff are known as "Officers". Some officers have a specific duty to ensure that the Council acts within the law. This Constitution sets out the basis of these responsibilities in Part 3. A protocol governs the relationships between officers and Members of the Council and is contained in Part 5 of this Constitution.

### **4 How decisions are made and how the public can participate**

- 4.1 The Executive is made up of a Leader and six other Councillors, who are appointed by the Council. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan so far as they can be anticipated. If these major decisions are to be discussed at a meeting of the Executive, this will generally be open for the public to attend except where confidential matters are being discussed (for more information about what is regarded as confidential please see Decision Making by Councillors – a Protocol on Report Writing for Officers and Councillors in Part 5 of this Constitution). 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 be referred to the Council as a whole to decide. Citizens have a right to have a say about decisions which affect them, and should be able to understand what decisions have been taken and why.

## **5 Citizens' rights**

5.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 of this Constitution. 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. Citizens have a right to:

- (a) vote at local elections if they are registered;
- (b) contact their local Councillor about any matters of concern to them;
- (c) attend meetings of the Council, the Executive and its Committees except where, for example, confidential matters are being discussed;
- (d) register to speak at Council, Executive, Committees and other meetings;
- (e) participate in the meetings of Ward Committees;
- (f) contribute to the investigations by the Scrutiny Committees;
- (g) find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive Members or officers, and when;
- (h) see reports and background papers, and any record of decisions made by the Council and Executive;
- (i) comment or make suggestions in relation to the Council and the services it delivers, and complain if they feel something has gone wrong;
- (j) complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints procedure;
- (k) complain to the Standards Board for England if they believe that a Councillor has not followed the Council's Code of Conduct for Members;
- (l) inspect the Council's accounts and make their views known to the external auditor;
- (m) petition to request a referendum on a different form of Constitution; and
- (n) obtain a copy of the Constitution

5.2 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democracy Support Group at the Guildhall, York, YO1 9QN; telephone 01904 551088.

**6 Overview and Scrutiny**

- 6.1 There is one Overview & Scrutiny Management Committee together with two specific scrutiny Committees whose job it is to look into how effectively the Council and NHS institutions are serving the needs of their communities. The Overview & Scrutiny Management Committee produces reports and recommendations which advise the Executive and the Council as a whole on its policies, budgets and service delivery, as well as looking at reviews of individual services and cross cutting issues to see if they provide best value for local people. In addition the Overview & Scrutiny Management Committee may also be consulted by the Executive or the Council on the development of the policy.
- 6.2 The Overview & Scrutiny Management Committee monitors the decisions of the Executive and the Council. 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 decision is re-considered. This Committee may also be consulted by the Executive or the Council on forthcoming decisions.
- 6.3 The two Scrutiny Committees deal with specific service areas and are:
- (a) Health Scrutiny Committee
  - (b) Education Scrutiny Committee
- 6.4 Each of the above Committees will produce reports and recommendations which advise the Executive and the Council as a whole on these specific service areas and will monitor the decisions of the Executive and the Council in its specific area.
- 6.5 The meetings of the Overview & Scrutiny Management Committee, the two specific Scrutiny Committees and any Scrutiny sub-committee are generally in public and they may involve citizens and other interested parties in their work, so that the public has a say in Council affairs.

**7 Ward Committees**

- 7.1 There are 22 Wards in the City of York District which in some cases are merged to create 18 Ward Committees to give local citizens a greater say in their own local neighbourhood governance and more widely in Council affairs. They are responsible for considering local matters and have a devolved budget to spend on local improvement schemes. The Ward Committees are comprised of Councillors for each Ward(s) who must exercise their delegated authority in consultation with local residents at regular meetings that are held in public. Every household receives notification of the Ward Committee meetings and all local residents are encouraged to attend and have their say.

**8 Members' Conduct and Interests**

- 8.1 All Councillors when they are elected as a Member of the Council must give a written undertaking that in performing their function they will observe the Members' Code of Conduct. The Code is set out in Part 5 of this Constitution. The Council's Standards Committee advises Members on the Code of Conduct and monitors its operation. More details of the Standards Committee's Terms of Reference are contained in Part 3 of this Constitution
- 8.2 In addition any person who suspects a Member may have acted in breach of the Code of Conduct may refer the matter to the Standards Board for England for investigation.
- 8.3 The Monitoring Officer maintains a register of the interests of the Members and co-opted Members of the Council. This register is available for inspection by the public at the Guildhall, York, YO1 9QN during normal office hours, by contacting the Democracy Support Group, telephone 01904 551088.

**9 Text notes**

- 9.1 Text in ordinary type forms part of the Constitution.
- 9.2 *Text in italics is explanatory and is not part of the Constitution.*





PART 1B - CITY OF YORK COUNCIL STRUCTURE (VERSION 2.3)

