

1. Summary and Explanation

The Council's Constitution

The 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 the law, while others are a matter for the Council to choose.

The Constitution is divided into 19 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 work in partnership to ensure its decisions are taken efficiently and effectively for the benefit of the County, to identify the decision-makers and hold them to account, and to incorporate propriety into the decision-making process.

Articles 2 – 19 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 Council Meeting (Article 4)
- ❑ Chairing the Council (Article 5)
- ❑ Overview and Scrutiny of Decisions (Article 6)
- ❑ The Executive (Article 7)
- ❑ Regulatory and Other Committees (Article 8)
- ❑ Audit and Assurance Committee (Article 8A)
- ❑ The Standards Committee (Article 9)
- ❑ Local Committees (Article 10)
- ❑ Workington Harbour Board (Article 11)
- ❑ Corporate Parenting Panel (Article 12)
- ❑ Neighbourhood Forums (Article 13)
- ❑ Joint Arrangements (Article 14)
- ❑ Officers (Article 15)
- ❑ Decision making (Article 16)
- ❑ Finance, Contracts, and Legal Matters (Article 17)
- ❑ Review and Revision of the Constitution (Article 18)
- ❑ Suspension, Interpretation, and Publication of the Constitution (Article 19).

How the Council operates

The Council is composed of 84 Councillors, elected every four years. Councillors are democratically accountable to residents of their Electoral Division. 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. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints and holds to account the Executive and Committees.

How Executive Decisions are Made

The Executive is the part of the Council which is responsible for most day to day decisions. The Executive is made up of a Leader, who is a Councillor appointed by the full Council, and a Cabinet, consisting of a Deputy Leader and between one and eight other Councillors, appointed by the Leader. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan insofar as they can be anticipated. If these major decisions are to be discussed with Council Officers at a Meeting of the Executive, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. 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.

Overview and Scrutiny

There is a Scrutiny Management Board, and Scrutiny Advisory Boards [together called 'Overview and Scrutiny Committees'], who support 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. Overview and Scrutiny Committees also monitor the decisions of the Executive. They can 'call in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

County Council Local Committees

In order to give local citizens a greater say in Council affairs, six County Council Local Committees have been created. These cover each of the six District Council areas in Cumbria, and are responsible for a variety of decisions having an effect only within the area

concerned, e.g. local grants and traffic regulation. They involve County Councillors for each particular area, and are held in public.

Regulation

There is a single countywide Development Control and Regulation Committee dealing with matters where the Council is acting to determine individual rights, e.g. planning applications. There is also an Audit and Assurance Committee which reviews and oversees the work of the Council's external and internal auditors and the Council's risk management activities.

Standards

The main role of the Standards Committee is to promote and maintain high standards of conduct throughout the authority. One of the aims of setting up a Standards Committee is to create a sense of "ethical well-being" in the authority. The main functions of the Standards Committee are:

- (1) To promote and maintain high standards of conduct for members.
- (2) To help members follow the Code of Conduct.

Other Functions

There is a limited number of other committees set up to deal with 'non-executive' matters, including personnel issues, pensions, and Corporate Director matters.

A diagram of the current governance arrangements is attached at Appendix 1 to this summary.

The Council's Staff

The Council has people working for it (called '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 Code of Practice governs 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, whilst others depend on the Council's own processes. The local Citizens' Advice Bureaux can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

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, and inspect Agendas and Reports, except where, for example, personal or confidential matters are being discussed;
- ❑ petition to request a referendum on a mayoral form of Executive;
- ❑ attend and take part in Neighbourhood Forums; and participate in the business of the Council at Council, Cabinet and Local Committees. Local Committees can refer particular issues raised by citizens to the Executive or to the Council.
- ❑ find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- ❑ attend Meetings of the Executive where key decisions are being discussed or decided, except where confidential matters are being considered;
- ❑ see reports and background papers, and any record of decisions made by the Council and Executive;
- ❑ complain to the Council about something that the Council has done, has failed to do, or has done in an unacceptable way;
- ❑ 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 process.
- ❑ complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- ❑ inspect the Council's accounts at a specific time which will be advertised, and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work and has a public participation scheme for Council, Cabinet, and Local Committees. A copy is available from the Council's main service points and on our website, www.cumbria.gov.uk. For further information on your rights as a citizen, please contact the Head of Member Services and Scrutiny at The Courts, Carlisle, CA3 8NA.

COUNTY COUNCIL POLITICAL GOVERNANCE ARRANGEMENTS – JANUARY 2010

