

### PART 1

#### SUMMARY AND EXPLANATION

##### 1. THE COUNCIL'S CONSTITUTION

North Devon District Council has agreed a 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 a number 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 towards the end of the document.

##### 2. HOW THE COUNCIL OPERATES

2.1 The Council is composed of 42 Councillors elected every four years. Councillors are democratically accountable to the 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.

2.2 The Council currently operates a Committee structure. Some Councillors may have specific responsibilities for an area of the Council's activities (Lead Members).

2.3 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 is also responsible for appointing the Leader of the Council and for appointing committees and sub-committees,.

##### 3. HOW DECISIONS ARE MADE

3.1 Full Council is responsible for the discharge of functions and duties of the District Council. It delegates some of those functions and duties to Committees and to officers. The decisions that have been delegated are set out in Part 3.

3.2 Most of the Council's Committees are politically balanced. This means that decisions are taken collectively by representatives of all political groups on the Council. Generally, the public will be able to attend meetings of the Full Council and Committees.

3.3 Decisions taken by Committees and officers should be in accordance with the budget and policy framework. Decisions outside of this should be taken by Full Council.

##### 4. THE COUNCIL'S STAFF

4.1 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 protocol (to be found in Part 5) governs the relationships between Officers and Councillors.

### **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. 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.

5.2 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.

5.3 Citizens have the right to:

- 5.3.1 vote at local elections if they are registered;
- 5.3.2 contact their local councillor about any matters of concern to them;
- 5.3.3 obtain a copy of the Constitution;
- 5.3.4 attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- 5.3.5 petition to request a referendum on a mayoral form of executive;
- 5.3.6 petition the Council, about a matter for which it has responsibility or which affects the Council's area;
- 5.3.7 ask questions at Council meetings on matters relevant to the Council's functions;
- 5.3.8 attend meetings of the Committees except where personal or confidential matters are being discussed;
- 5.3.9 see reports and background papers, and any record of decisions made by the Council and Committees;
- 5.3.10 complain to the Council about the way a service has been delivered or about anything the Council have done or propose to do. A copy of the Council's Corporate Complaints Policy and Procedure can be obtained from the Head of Corporate and Community;
- 5.3.11 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;
- 5.3.12 complain to the Council's Monitoring Officer if they have evidence which they believe shows that a councillor or a parish councillor has not followed their Council's Code of Conduct; and

# **NDDC CONSTITUTION**

## **Part 1**

5.3.13 inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Corporate and Community. A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Part 4.