

**BURNLEY BOROUGH COUNCIL**

**PART 1**

**SUMMARY AND**

**EXPLANATION**

## **The Council's Constitution**

Burnley Borough 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 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 represent the wider community as well as individual citizens, improve services and to operate in an efficient, transparent and accountable manner. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council
- Citizens and the Council
- The Council meeting
- Chairing the Council.
- Scrutiny of decisions
- The Executive
- Regulatory and other committees
- The Audit and Standards Committee
- Area Structures
- Joint arrangements
- Officers
- Decision making
- Finance, contracts and legal matters
- Review and revision of the Constitution
- Suspension, interpretation and publication of the Constitution
- Codes of Conduct and Protocols

### **How the Council operates**

The Council is composed of 45 Members elected for four years with one-third elected three years in four. Members are democratically accountable to residents of their ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Members have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Committee trains and advises them on the code of conduct.

All Members meet together as the Council. Meetings of the Council are normally open to the public. Here Members decide the Council's overall policies and set the budget each year. The Council elects the Leader of the Council who chairs the Executive. The Leader appoints the other members of the Executive.. In addition all Committees are appointed by the Council including their Chairs and Vice Chairs. Although most decisions of the Executive and Regulatory Committees will be taken with delegated powers and will not need the approval of the Council all business transacted by the Executive or Committees will be subject to scrutiny at full Council meetings. Members of the public can ask to speak at the Executive or Committee meetings on items indicated on the agenda, or at Council meetings on any issue affecting the Borough.

## **HOW 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 with Cabinet - the total Number can be between 3 and 10. When major decisions are to be discussed or made, these are published in the Executive's Notice of Key Decisions and Private Part of Meeting in so far 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.

## **SCRUTINY**

There is 1 Scrutiny Committee which supports the work of the Executive and the Council as a whole. It allows citizens to have a greater say in Council matters by enquiring 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 Scrutiny Committee also monitors the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

## **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. Some of these are legal rights, whilst others depend on the Council's own processes. .

Where members of the public use specific council services, for example a sports centre, they may 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 Member 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;
- petition to request a referendum on a mayoral form of executive;
- if invited, participate in the Council's question time and contribute to investigations by the scrutiny committees
- find out, from the Executive's Notice of Key Decisions and Private Part of Meeting, 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;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council. The Council has a complaints procedure set out in booklets available from reception points in main Council buildings.
- 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 Council's 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 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 :

Your local Member, or:

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Burnley Borough Council  
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Burnley  
Lancashire

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