

# SUMMARY AND EXPLANATION

## Introduction

1. The Council's Constitution is in five parts. The first part – the part you're looking at now - is a summary and explanation of how the Council operates. We have tried to make it easy to read and as simple as possible.
2. Most of the rules themselves are set out in the second, formal, part of the Constitution. The rules set out who makes the decisions about the Council's functions, when those decisions are taken and what procedures have to be followed.

## Composition of the Council

3. There are 53 Councillors on Darlington Borough Council and all 53 of them together comprise the Full Council and represent the 24 wards which make up the Borough.
4. Most wards have two Councillors, but larger wards have three and smaller wards have one. The boundaries of the Wards are reviewed from time to time by the Local Government Commission.
5. General information about the Councillors, the Wards they represent and their addresses are available on the Council's website at [www.darlington.gov.uk](http://www.darlington.gov.uk) or from Democratic Services by e.mailing [democratic@darlington.gov.uk](mailto:democratic@darlington.gov.uk) or by telephoning (01325) 388351.

## Elections and Councillors' Length of Office

6. Once elected, a Councillor normally remains a Councillor for four years. This Council holds 'all out' elections, which means that every four years there is an election, in every Ward, and all Councillors stand for election at the same time. If an election is held for more than one seat in a Ward then electors have one vote for each vacant seat. The last elections in Darlington were held in May 2007 and the next ones will be held in 2011.
7. If a Councillor stops being a Councillor during the four years, for any reason, then a by-election is held. Councillors elected at a by-election are elected for less than four years. They 'take over' the remaining four year period from the previous Councillor.
8. When a Councillor's four years are up they can be re-elected.
9. Most European Union citizens who live in the Borough of Darlington are entitled to be registered as local government electors. Every year we send a registration form to every house in Darlington, usually around the end of August. If you aren't sure if you're on the register then you can see a copy at the Town Hall or you can contact Democratic Services by telephoning (01325) 388341 or by e-mailing [democratic@darlington.gov.uk](mailto:democratic@darlington.gov.uk).

## **The Mayor**

10. The Mayor, is appointed annually, and is Darlington's first citizen. The Mayor is the figurehead of the Council at civic and ceremonial events. The Mayor also spends many hours each week representing the Council on official visits to groups and events – almost all in Darlington.
11. The Mayor has a few formal powers. For instance, the Mayor chairs the meetings of the Full Council. If the Council takes a vote and the number is equal then the Mayor has a second or 'casting' vote to overcome the deadlock.

Further details on the roles and responsibilities of The Mayor are available on the Council's website [www.darlington.gov.uk](http://www.darlington.gov.uk) or from Democratic Services by e.mailing [democratic@darlington.gov.uk](mailto:democratic@darlington.gov.uk) or by telephoning (01325) 388351.

## **Roles and Functions of Councillors**

12. Councillors decide the Council's policies and priorities and represent their communities. They are democratically accountable to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The Council, acting as one body, has responsibility for certain activities including approving the Council's policy framework and budget, appointing the Cabinet and establishing committees and other arrangements to deliver the Council's business.
13. Further details of the roles and responsibilities of Members are available on the Council's website [www.darlington.gov.uk](http://www.darlington.gov.uk) or from Democratic Services by e.mailing [democratic@darlington.gov.uk](mailto:democratic@darlington.gov.uk) or by telephoning (01325) 388351.

## **Code of Conduct**

14. Councillors are required to abide by a National Code of Conduct, which can be found in Part 4 of this Constitution, to ensure high standards of probity in the discharge of their responsibilities. The Council has a Standards Committee that oversees this Code and other governance matters and the detailed remit of the Standards Committee is contained with the Responsibilities for Functions Section, as detailed in Part 2 of this Constitution.
15. Councillors also abide by a local protocol on Member and Officer Relations, and again, this can be found in Part 4 of this Constitution.

## **Councillors' Interests**

16. The Monitoring Officer keeps a register of Councillors financial and other interests – this includes things like the property they own and, if they are employed, who their employer is. You can inspect the register at the Town Hall or on the Council's website at [www.darlington.gov.uk](http://www.darlington.gov.uk). Councillors are responsible for making sure that their registration is up to date. Whenever a new Councillor is elected, the Monitoring Officer (the Borough Solicitor) asks them to complete the registration and the Monitoring Officer will regularly remind Councillors to make sure that the information is up to date. It is a breach of the Council's Code of Conduct if a Councillor fails to keep their information up-to-date.

## **Scheme of Allowances**

17. Councillors are paid allowances linked to the level of responsibility they have within the Council. An Independent Remuneration Panel, which includes independent members of the public, reviews remuneration for Members and makes recommendations to Full Council on the level at which allowances should be set. The Full Council must take the recommendations of the Panel into consideration in taking a decision about allowances but are not bound by those recommendations. The current Members' Scheme can be found in Part 5 of this Constitution.

## **Decision-Making**

18. All decisions of the Council are made in accordance with a number of principles, namely:- proportionality (i.e. the action must be proportionate to the desired outcome), due consultation and the taking of professional advice from Officers; respect for human rights; a presumption in favour of openness; clarity of aims and desired outcomes; and explaining what options were considered and giving the reasons for the decision.

## **Role of the Full Council**

19. There are four types of Council meeting, which shall be conducted in accordance with the Council Procedure Rules, as detailed in Part 3 of this Constitution:-
  - the annual meeting;
  - ordinary meetings;
  - special meetings; and
  - extraordinary meetings.
20. The Full Council's role is to take decisions which it has not delegated to another Committee or Officer, in relation to Non-Executive (Council) functions. It cannot take decisions about Executive (Cabinet) functions. More information on the difference between an Executive and a Non-Executive function can be found in the Responsibilities for Functions Section, as detailed in Part 2 of this Constitution.
21. The Full Council is responsible for setting the policy framework and budget. The policy framework consists of the most important plans and strategies adopted by the Council, and a list of these can again be found in the Responsibility for Functions Section. The Council can add plans and strategies to this list at any time.
22. An explanation of the budget and policy framework and the process by which it has to be developed is set in more detail in the Budget and Policy Framework Procedure Rules, as detailed in Part 3 of this Constitution.
23. The Council and the Executive (Cabinet) have each authorised officers to make decisions and a list of these is set out in the Scheme of Delegation, as detailed in the Responsibilities for Functions Section.

## **Role of the Executive (Cabinet)**

24. The Executive's role is to take decisions in relation to its functions and it operates in accordance with rules known as Cabinet Procedure Rules. More information about these functions can be found in the Responsibilities for Functions Section of this Constitution and more information about Cabinet's Procedure Rules can be found in Part 3.
25. The Executive (Cabinet) exercises the majority of its responsibilities collectively. However, it has delegated some of its functions to individual Cabinet Members or Officers. Further details on those delegations and the portfolio responsibilities, can be found in the Responsibility for Functions Section.

## **Overview and Scrutiny**

26. The Council has appointed a number of Scrutiny Committees, which review and challenge the decisions of Cabinet. An important part of their role is to review areas of the Council's business and recommend improvements to Cabinet.
27. Individual decisions can be called-in to one of the Scrutiny Committees to give it the chance to review the decision before the decision is implemented.
28. The Scrutiny Committee does not have the power to take the decision itself – but it can ask Cabinet to reconsider.
29. Details of the individual Scrutiny Committees, their responsibility and how they operate can be found in the Scrutiny Procedure Rules, as set out in Part 3 of this Constitution. The Council's Procedure Rules, again, as set out in Part 3, apply to Scrutiny Committees in the same way that they apply to all Council Committees.

## **Council Committees**

30. The Council has created the following committees : -
  - Planning Applications Committee - This makes decisions about planning applications for major proposals which might attract extensive public interest. The Council also has a separate Planning Applications Sub-Committee which makes decisions for householder applications which might only receive a small number of objections. There is a right for people to speak at these meetings and further details can be found in the Protocol for Councillors and Officers dealing with Planning Matters as detailed in this Constitution.
  - General Licensing Committee - This makes decisions about the Council's many licensing functions. The Council also has a separate Licensing Committee which deals with decisions about Liquor Licensing. Applicants can speak at these meetings, and, in certain circumstances, formal objectors can also speak.
  - Standards Committee - The Committee (which also comprises of independent and Parish Council Members) advises the Council about the Members' Code of Conduct. It can also hear complaints against Councillors when they are referred to it. The Committee is responsible for ensuring that high standards are met at all levels of decision making.

- Audit Committee - This Committee deals with issues concerning internal control, risk management and financial reporting and provides a forum for discussion of matters raised by internal and external audit.
- Human Resources Committee - This Committee manages the Council's role as an employer. There are a number of panels which hear appeals and make appointments.

### **Officer Decisions**

31. The Council and Cabinet have delegated some of its functions to officers, and more information on these can be found in the Scheme of Delegations, as detailed in the Responsibility for Functions Section of this Constitution.

### **Area Committees and Forums**

32. The Council may appoint Area Committees and Forums. However, no Area Committees or Forums have been appointed.

### **Joint Arrangements**

33. This Council has established joint arrangements with other Councils, and further information on these arrangements can be found in the Responsibility for Functions Section, as set out in Part 2 of this Constitution.

### **Statutory Employees**

34. The Chief Executive is the Head of the Council's Paid Service. The Chief Executive is responsible for the overall management of the Council's employees and makes reports about staffing issues to Full Council where appropriate.
35. The Borough Solicitor and Monitoring Officer is responsible for giving the Council and its Councillors legal advice about the business of the Council. This Officer must report to the Full Council if the Council is acting unlawfully or wrongly. The Monitoring Officer is also responsible for keeping the register of Councillors' interests, receiving complaints against Members' misconduct and reporting cases to the Standards Committee.
36. The Director of Corporate Services is the Council's Chief Finance Officer. The Chief Finance Officer is responsible for the proper administration of the Council's financial affairs. This Officer must report to Full Council if the Council has spent money illegally or is about to spend money illegally.
37. Further information on the Statutory Officer posts can be seen in the Responsibility for Functions Section, as detailed in Part 2 of this Constitution.
38. The rules about the appointment of Council employees are contained in the Council's Employment Procedure Rules, as set out in Part IV of this Constitution and the rules by which they must abide are set out in the Code of Conduct for Employees, which is set out in Part 4 of this Constitution.

## **Financial and Contracts Matters**

39. The Council is responsible for significant amounts of public money which is received from Central Government or is raised locally through setting the Council Tax or for fees for a range of services. The Council is required to produce a set of Annual Accounts each financial year that are subject to rigorous audit by the Audit Commission. As part of the Annual Accounts process, there is a set period for the public to inspect the accounts as well.
40. The Council has rules that govern the way in which goods, materials and services are procured to ensure value for money.
41. Full details of the Council's Financial and Contract Procedure Rules can be found in Part 3 of this Constitution.

## **Rights and Responsibilities of the Public**

42. The Council publishes much information about its services and about decisions that it is planning to take. The Council welcomes and positively encourages public involvement in the way in which it conducts its business. The majority of meetings and documents are accessible to the public and it is only for a small proportion of the Council's business that the public is excluded. Any decisions to exclude the public is considered carefully and must meet specific criteria. More information on this can be found in the Access to Information Procedure Rules, as set out in Part 3 of this Constitution.
43. The Council produces a Forward Plan which contains advance notice of 'Key Decisions' to be made by Cabinet anticipated within a rolling period of four months. This plan must be published 14 days before the start of the period covered. More information about the requirements of the Forward Plan can be found in the Cabinet Procedure Rules, as set out in Part 3 of this Constitution.
44. Copies of agenda and reports for any meeting open to the public, will be available at the Town Hall at least five clear working days before the meeting. If an item is added to the agenda later, a supplementary agenda, together with any relevant report, will be available from the time the item was added to the agenda.
45. Agenda, reports and minutes of formal meetings will be stored for six years after the meeting and made available on request subject to any exemptions that may apply.
46. The Council also publishes a publication scheme that lists the information freely available. This will tell you what information the Council publishes.
47. We also keep a number of registers which are open to public inspection. These include a record of the personal interests of all Councillors.
48. Where members of the public use specific Council services, for example, as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

49. In summary, 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 except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral Form of Executive;
- participate in the Council's question time;
- contribute to investigations by Scrutiny Committees where determined as part of a Committee's line of inquiry;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or Officers, and when;
- attend meetings of the Cabinet where key decisions and other decisions are being discussed or decided;
- see agendas, reports and background papers, and any record of decisions made by the Council, the Cabinet and Committees where these are not confidential;
- complain to the Council if they think it has not followed its procedures properly (a copy of the Council's compliment, comment, suggestion or complaints procedure is available on request);
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they are encouraged to use the Council's own complaints process first;
- complain to the Standards Board for England if they have evidence which they think shows that a Councillor or a co-opted member with voting rights has not followed the Council's Code of Conduct for Members and Co-opted Members; and
- inspect the Council's accounts fifteen working days prior to the start of each annual audit and make their views known to the external auditor.

If English is not your first language and you would like more information about this document, or if you require information in large print or braille or tape, please contact (01325) 388351.

## Arabic

إذا رغبتكم الحصول على هذه النشرة بلغة أخرى غير اللغة الإنجليزية نرجو الاتصال بنا على رقم الهاتف التالي 01325 388351 مع ذكر رقم الإشارة.

## Bengali

যদি আপনার ইংরেজী ছাড়া অন্য কোন ভাষায় এই প্রকাশনাটির দরকার থাকে, তাহলে নম্বরে যোগাযোগ করুন এবং সূত্র নম্বর উল্লেখ করুন। 01325 388351

## Cantonese

如果你需要其它語言的版本，請與以下電話聯係並報出參考號碼：01325 388351

## Hindi

यदि आप यह प्रकाशन अंग्रेजी के अलावा अन्य भाषा में चाहते हैं तो कृपया संदर्भ नम्बर (रेफरन्स नम्बर) बताकर निम्नलिखित 01325 388351 पर संपर्क करें।

## Punjabi

ਜੇ ਇਹ ਪਰਚਾ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਤੋਂ ਬਿਨਾਂ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਨੰਬਰ 01325 388351 'ਤੇ ਫੋਨ ਕਰੋ ਅਤੇ ਰੈਫਰੈਂਸ (ਹਵਾਲਾ) ਨੰਬਰ ਦੱਸੋ।

## Urdu

اگر آپ کو یہ کتابچہ انگریزی کے علاوہ کسی دوسری زبان میں درکار ہو تو برائے مہربانی ٹیلیفون نمبر 01325 388351 پر فون کر کے حوالہ نمبر بتائیں۔

## Polish

Jeśli chciał(a)by Pan(i) otrzymać polską wersję językową tego dokumentu, proszę zadzwonić pod numer 01325 388351 i podać numer identyfikacyjny dokumentu.