



CONSTITUTION

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PART ONE

SUMMARY AND EXPLANATION

PART 1

SUMMARY AND EXPLANATION

The Council's Constitution

1. The North Dorset District Council has agreed a new constitution which sets out how we make decisions and the procedures which will be followed to make sure they are taken efficiently, are transparent and that local people can hold the Council to account. Some of these matters are laid down in laws and others are for us to decide.
2. In Part 2 of this document there are 15 Articles of the Constitution which set out the different parts of the Council structure, an outline of their roles and how they will operate. In the other parts we set out who is responsible for the Council's functions, how we will conduct our business, Codes of Practice and Protocols for the management of relationships.
3. Part 2 also sets out ways in which this Constitution will be applied and how it can be varied. At Article 3 the rights of individuals are written down.

How the Council Operates

4. The Council has 33 Elected Members (Councillors) who represent 28 different wards. There are elections every four years for all the Council's wards. By-elections are held if any Member resigns or leaves the Council in between whole Council elections. It is the responsibility of all Councillors to represent the interests of the whole community of North Dorset, but each of them has special responsibility to the constituents of their own Ward, including those who did not vote for them. Their role is defined in Article 2 of this Constitution
5. Members of the Council are usually members of a political group or are known as Independent. The Independent Members may form an Independent Group (or groups) to ensure they can be represented on Council bodies and Committees in proportion to their numbers within the Council as a whole. These groups then normally nominate individual Members to fill a particular role on one of the Council's bodies. This process is in accordance with the 'rules on proportionality' which apply to councils. If the Council votes unanimously to disapply these rules at its annual meeting, the Council will then appoint the members of formal council bodies following a recommendation from the Organisation Advisory Panel which comprises the group leaders and the Chairman of Council. This group will ensure that each Member is recommended for at least one council body in addition to Full Council.

6. Councillors must by law agree to work within the terms of a Code of Conduct adopted by the Council and the principles of public life set down by the Government. The Code sets down high standards of conduct which they must meet as they undertake their role as a Councillor. The Council has a Standards Committee which is responsible for the training of Councillors and for advising on standards of conduct. There are also national bodies which supervise these matters and investigate serious complaints against a Councillor.
7. The Council also appoints a number of committees, an executive body known as the Cabinet and several other bodies of a less formal nature. These are appointed to undertake more detailed work than could be done at meetings of the Council. Their roles and reference to their methods of working are dealt with in more detail elsewhere in this Constitution. A diagram of the structure is attached as Annex A.
8. All 33 Members meet as "the Council" regularly at approximately monthly intervals. Meetings are open to the public but occasionally some items on the agenda are dealt with in private. These items are normally made clear on the agenda and are usually dealt with at the end of the meeting.
9. At a Council meeting Members decide the Council's overall policies and set the budget each year. This is called the Policy and Financial Framework and is described in part 4 of this Constitution. As part of the setting of the budget they also decide the level of Council Tax. This is normally done in February annually.
10. The Council also appoints : -
 - A Leader - who normally is the nominee of the largest grouping of Members and who in turn appoints Cabinet Members and chairs the Cabinet
 - The Chairmen (and their deputies, normally known as Vice Chairmen) of all its committees and most other bodies.
 - A Chairman of the Council - who chairs all meetings of "the Council" and is the Civic Head of the Council
 - A Vice Chairman who deputises for the Chairman when he/she is not available
 - Representatives of the Council on non-council bodies

The Council can also remove any of the above from their appointment, in accordance with this Constitution.

11. The Council decides the exact nature of its committees and other bodies having consulted the public about this. Many of these "report" direct to Council and are directly responsible to it, particularly in overseeing the work of the executive (Cabinet) and the behaviour of Members.
12. The Council is the forum in which all Members can raise issues of wider concern. Council provides the opportunity for debates about significant issues and for the questioning of the Cabinet. The public are also entitled to ask questions of the Council at public question time.

How decisions are made

13. The Cabinet is responsible for executive decision making in the Council. The Cabinet is made up of a Leader and currently five other Members, known as portfolio holders. Each of the five are responsible for specific areas of the Council's work. They are also responsible for recommending policy and budgets to the Council.
14. When the decisions to be discussed or taken are of considerable significance (known as key decisions) they are set out in a forward plan so the public can be aware of when they are to be considered. This is subject to the Urgency and Special Urgency provisions in the Cabinet Procedure Rules This plan covers a period of at least 4 months ahead (and sometimes longer). The meetings at which these matters are discussed are normally open to the public.
15. The Cabinet is required to make its decisions in line with the Council's main policies and within its approved budget. If the Cabinet wishes to make a decision which is outside those policies or the approved budgets it must normally seek approval of the Council for this, save where the circumstances set out in paragraph 15 of the Policy and Financial Framework Procedure Rules apply.

Overview and Scrutiny

16. The Council has three Overview and Scrutiny Committees. The members of these committees cannot be Cabinet members. The Overview and Scrutiny Committee is normally chaired by an "opposition" Member. These bodies have four main roles : -
 - The first, and most important, is to look into matters of public and local concern both in relation to Council and wider matters
 - The second is to monitor the work of the Cabinet and employees to see they are following the policies and budgets approved
 - The third is to review the Council's policies and services, including undertaking Best Value reviews, and recommend changes
 - The fourth is to review and scrutinise matters relating to the provision of health services including NHS bodies within the district.

17. In their first role, the Committees will invite the public and interested parties to have their say on matters of public concern, whether relating to the Council or not. They will consider whether Council policies should change or new ones be adopted and make recommendations to the Cabinet or the Council.
18. The Overview and Scrutiny Committee has the power to "call in" a decision of Cabinet to consider whether it should be put into effect. This includes considering whether it is taken in accordance with policy and budget decisions of Council. It may recommend that the Cabinet reconsider the decision or recommend that Council vary it (where Council is allowed by law to do so).
19. Finally, having reviewed the effectiveness of policies and services, including following a Best Value review, they can also recommend changes to the Cabinet or Council as applicable.

The Council's Staff

20. The Council employs people to provide services to the public and to support its work internally (employees). They are sometimes known as "officers" of the Council.
21. The Council must appoint a manager who is responsible for the employment of other employees and managers. This person is known as the Head of Paid Service - and this is usually the Council's Chief Executive. In addition, the Council must appoint : -
 - A Monitoring Officer, who ensures the legality of its work and advises Members on proper behaviour
 - A financially qualified person who is known as the Section 151 Officer (after the section of the law which requires the appointment) who advises Members and employees on financial matters.
22. This Constitution includes a Protocol (Part 5) which sets out the way relationships between Members and employees should be conducted. The Council also has other Codes of Practice and policies which apply to its employees; these apply equally to those it engages indirectly to provide its services and functions.

Members of the Public

23. Article 3 of this Constitution deals in detail with rights enjoyed by members of the public or alternatively, if in doubt, any Citizens' Advice Bureau can provide information on legal rights in relation to the Council.
24. The Council will work to ensure that all the rights of the public are respected and fully met. It will try to ensure easy access to information about the Council and to its Members. It will try to provide a speedy, high quality and efficient service and to resolve any complaints quickly. Above all it will try to ensure that the rights of the public are clear by trying to write Council documents in plain, clear English.

Summary of rights

25. Members of the public 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. When members of the public use specific Council services, they may have additional rights. These are not covered in this Constitution. Members of the public have the right to :-
 - Vote at local elections if they are registered
 - Contact their local Councillor about matters of concern to them
 - Obtain a copy of this 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 and contribute to investigations by the Overview and Scrutiny Committees
 - 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 certain meetings of Cabinet where key decisions are being discussed or decided
 - See various reports and background papers and any record of decisions made by the Council and Cabinet

- Complain to the Council about the conduct of officers or Members or the way in which services are delivered. This is explained in the Council's published Complaints Procedure.
- 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
- Complain to the Standards Board for England 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.

For most meetings of the Council or Council bodies, members of the public have a right to inspect agendas and any reports accompanying those agendas and to attend most meetings which are held in public. Information may not be available and members of the public may not be able to attend meetings when certain confidential or personal matters are being discussed. Details of these rights are set out in part 4 of this Constitution.



PROTOCOL FOR LEADER AND CHIEF EXECUTIVE

Roles of the Leader and Chief Executive

The Leader of the Council is elected by Council. The essential role is to provide political and community leadership, to head the accountability function of the whole Council to the public (unlike the ceremonial role of the Chairman), and to head the process of determining local priorities and the implementation of legislation and regulation affecting the Council. In common with all Councillors, the role has no managerial duties or responsibilities, other than those affecting the behaviour of Councillors.

The Chief Executive of the Council is appointed by the Council and is the Head of Paid Service and may be the Returning and Electoral Registration Officer. The essential function is the responsibility for all matters concerning employees and regulatory compliance affecting the Council. The role is to secure the provision of timely and impartial advice on options for all political parties (confidential where appropriate) and to ensure the efficient and effective implementation of the Council programmes and policies.

There is an assumption throughout that both roles are committed to promoting a good reputation of the Council in its pursuance of its public duties.

The objectives of the Chief Executive are agreed and monitored through a facilitated appraisal process involving all political group leaders.

Guidelines for Protocol

A DO's

1. The Leader respects the managerial responsibilities of the Chief Executive. The Chief Executive respects the political responsibilities of the Leader.
2. Both recognise their ability to influence the reputation of the Council, and both seek a constructive and mutually supportive approach to their different roles.
3. Both ensure that the resources of the Council are not used to publicise political parties.
4. To maintain cohesion, as well as to resolve any differences, it will be good practice for these two roles to have regular and frequent meetings, conducted in a business-like fashion.
5. The Leader respects the Chief Executive's work schedule, in particular respecting a work/life balance. The Chief Executive reciprocates.
6. The Chief Executive facilitates regular meetings between the Group Leaders of the political parties.

B DON'T's

1. The Leader does not instruct or demand on managerial matters. The Chief Executive does not provide politically biased advice and does not take sides on local political choices.
2. The Leader does not ignore breaches of Councillor/Officer protocols. Neither does the Chief Executive.
3. The Leader does not interrupt scheduled or private meetings. Neither does the Chief Executive.
4. The Leader does not demand access to employee confidential information. The Chief Executive does not withhold information relevant to the overall performance of the Council.

COUNCIL STRUCTURE

