

Luton Borough Council Constitution

Section 1: Introduction

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1.1 The constitution

1.1.1 **THE COUNCIL OF THE BOROUGH OF LUTON** otherwise known as Luton Borough Council ('the council') has agreed a constitution ('this constitution') which sets out how the council operates, how decisions are made and the procedures 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.

1.1.2 Part 2A of this constitution (Articles of the Constitution) contains sixteen Articles which set out the basic rules governing the council's business. The council's detailed working methods, including the procedural rules (such as Standing Orders and Financial Regulations) and a number of codes of conduct, protocols and policies are set out in this constitution.

1.2 The framework of this constitution

1.2.1 This constitution is arranged into sections and parts. Each section deals with a particular theme or area of interest. The arrangement is as follows:

Section 1 – Introduction

- Part 1 – this summary and explanation

Section 2 – Governance

- Part 2 A – Articles of the Constitution

Sets out the key points of the Constitution, many of which are considered in greater depth in other parts

- Part 2 A (appendix) – Senior Management Structure

Lists those posts that are treated as Chief Officers or Deputy Chief Officers for the purposes of the Constitution

- Part 2 B – Responsibility for functions

Sets out exactly which part of the Council is responsible for specified functions

Section 3 – Rules and Regulations

- Part 3 A – Standing Orders

Sets out detailed rules and procedures in relation to the conduct of the Council's business

- Part 3 B – Financial Regulations

Sets out detailed rules and procedures in relation to the financial management of the Council

Section 4 – Members and standards

- Part 4 A – Code of Conduct for Members and co-opted members

Sets out the expectations for Member conduct and the procedures for dealing with complaints against Members

- Part 4 B – Scheme of Members’ Allowances
Sets out the scheme of Members’ Allowances adopted by the Council
- Part 4 C – Protocol for Member/officer relations
Sets out the expectations, rights and responsibilities governing the relations between Members and officers

Section 5 – Delegations to officers

- Part 5 A – Statutory and Proper Officers
Lists those officers that, by law or the Council’s choice, have been appointed or designated to carry out certain statutory duties
- Part 5 B – Scheme of delegation (Executive)
- Part 5 C – Scheme of delegation (Non-Executive)
Sets out the schemes by which the Council has delegated authority to officer to carry out certain duties and functions

Section 6 – Protocols and policies

- Part 6 A – Protocols and conventions
Sets out a number of protocols dealing with specific aspects of various decision-making processes
- Part 6 B – Code of conduct for employees
Sets out the expectation, obligations and responsibilities of employees in relation to conduct
- Part 6 C – Whistleblowing policy
Sets out the scheme by which citizens and others can raise, in the public interest and confidentially, concerns about the conduct of the Council’s business

1.2.2 Part 2 A (Articles of the Constitution) gives a helpful overview of the constitution as a whole. Article 1 commits the council to provide clear leadership to the community, to enable citizens to understand how the council works and to support the active involvement of citizens in the decision making process.

1.2.3 Articles 2 to 16 explain the rights of citizens and how the key parts of the council operate. These are:-

- 1) Councillors (Members of the council) (Article 2)
- 2) Citizens and the council (Article 3)
- 3) The Full Council (Article 4)
- 4) The Mayor (Article 5)
- 5) Overview and scrutiny (Article 6)
- 6) The Executive (Article 7)
- 7) Regulatory committees, judicial panels and other bodies (Article 8)
- 8) The Standards Committee (Article 9)
- 9) Petitions and Representations Board (Article 10)

- 10) Joint arrangements (Article 11)
- 11) Officers of the council (Article 12)
- 12) Decision making (Article 13)
- 13) Finance, contracts and legal matters (Article 14)
- 14) Review and revision of the constitution (Article 15)
- 15) Suspension, interpretation and publication of the constitution (Article 16)

1.3 How the council operates

- 1.3.1 The council is composed of forty eight (48) councillors (also known as Members or Members of the council) elected every four (4) years. Councillors are democratically accountable to the residents of their respective Ward. 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.
- 1.3.2 Councillors have to agree to follow a code of conduct known as the Code of Conduct for Members to ensure high standards in the way they undertake their duties. The council's Standards committee is responsible for ensuring that councillors are trained and advised on matters relating to their conduct.
- 1.3.3 All councillors meet together as the Full Council, meetings of which are normally open to the public. Here councillors decide the council's overall policies and set the budget each year. The Full Council will decide issues referred to it by the Executive which involve a departure from the council's Policy Framework or expenditure not provided for in the council's Budget Framework.
- 1.3.4 The Full Council appoints from among the councillors the Executive Leader who then appoints the other members of the Executive (known collectively as Members of the Executive or portfolio-holders). The Executive Leader then decides on the responsibilities (the portfolio) which each Member of the Executive should have.

1.4 How decisions are made

- 1.4.1 The Executive is that part of the council responsible for most decisions, which are made collectively rather than by individual members of the Executive. The Executive is made up of the Executive Leader appointed by the full council and currently nine other councillors appointed by the Executive Leader, including a Deputy Executive Leader. The Executive will normally meet in public except where personal or confidential matters are being discussed. The Executive has to publish a Forward Plan setting out, as far as can be anticipated, the key decisions to be considered over the coming months. The Executive has to make decisions in line with the council's Policy Framework and the council's Budget Framework. If the Executive wishes to make a decision outside either of these it must refer the matter to the Full Council to decide.
- 1.4.2 Decisions relating to applications from individuals will in general not be the responsibility of the Executive but will be dealt with by the council's regulatory committees. The matters for which the regulatory committees are responsible include planning applications and licensing applications. In addition a number of civic governance matters such as the making of bye-laws and the conduct of elections will be the responsibility of the regulatory committees.

1.5 Overview and scrutiny

- 1.5.1 Overview and Scrutiny supports the work of the Executive and the council as a whole. The Overview and Scrutiny Committee appoints sub-committees, including the Overview and Scrutiny Board, and Task and Finish groups to examine particular issues. This system of overview and scrutiny allows for enquiries into matters of local concern allowing a greater say in local issue. These inquiries often lead to reports and recommendations to the Executive and the Full Council.
- 1.5.2 Decisions which have been made by the Executive but not yet implemented can be 'called in' by any two councillors and referred to the relevant scrutiny body, which will then consider the decision and may recommend that the decision be further considered.
- 1.5.3 The Overview and Scrutiny Board, or other relevant scrutiny body, may also be consulted by the Executive or the Full Council on forthcoming decisions and the development of policy.

1.6 The Council's employees

- 1.6.1 The council's employees (other than school staff) are often referred to as 'Officers' as this term is used in this Constitution. The council's Officers are employed to give advice, implement decisions and manage the day to day delivery of the council's services. Some of the council's decisions are made by Officers under delegated powers. These are normally in technical service delivery areas. A full list of the decision making powers delegated to the council's Officers is set out in Parts 5 B (E) and 5 B (NE) of the Constitution.

1.7 Citizens' rights

- 1.7.1 Citizens have a number of rights in their dealings with the council. These are set in more detail in Article 3 of this constitution. Some of these are legal rights (such as the right to vote), which others depend on the council's own resources. The Local Citizen's Advice Bureau and other agencies can advise on individuals' legal rights.
- 1.7.2 In addition to any legal rights citizens have as a user of council services , for example as a parent of a school pupil or as a council tenant, citizens have the right to:-
- 1) vote at elections if they are registered and qualified to do so
 - 2) contact their local councillor about any matters of concern to them
 - 3) obtain a copy of this Constitution on payment of the fee fixed by the council
 - 4) attend meetings of the Full Council and its committees except where, for example, personal or confidential matters are being discussed
 - 5) petition to request a referendum to change the form of governance
 - 6) find out, from the Executive's Forward Plan, what key decisions are to be discussed by the Executive and when
 - 7) attend meetings of the Executive where these are held in public
 - 8) where these do not contain personal or confidential information, see reports, and background papers relating to reports to the Full Council and the council's Regulatory committees, the Executive and scrutiny bodies
 - 9) complain to the council in accordance with the council's Complaints Procedure

- 10) complain to the Local Government Ombudsman or to the Housing Ombudsman as appropriate 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
- 11) complain to the council if they have evidence which they think shows that a councillor has not followed the council's Code of Conduct for Members (set out in Part 4 A of this constitution) and
- 12) to inspect the council's accounts and make their views known to the council's external auditors