

PART 1

SUMMARY AND EXPLANATION

July 2023

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1. The Council's Constitution

- 1.1 Dacorum 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.
- 1.2 The Constitution is divided into 15 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.

2. What's in the Constitution?

Article 1 of the Constitution sets out the purposes of the constitution. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and scrutiny of decisions (Article 6)
- The Cabinet (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9)

- Joint arrangements (Article 10)

- Officers (Article 11)
- Decision making (Article 12)
- Finance, contracts and legal matters (Article 13)
- Review and revision of the Constitution (Article 14)
- Suspension, interpretation and publication of the Constitution (Article 15).

3. How the Council operates

- 3.1 A diagram showing the overall political management structure of the Council appears as Annex 1 on page 5.
- 3.2 The Council is composed of 51 Councillors elected every four years. Councillors are democratically accountable to residents of their 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.
- 3.3 Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises them on the Code of Conduct.
- 3.4 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 appoints the Leader of the Council and its Committees. It does not, however, appoint the Members of the Cabinet as these are appointed by the Leader. The Council holds to account the Cabinet and the Committees.

4. How Decisions are Made

- 4.1 The Cabinet is the part of the Council which is responsible for making most of the day-to-day decisions. The Cabinet is made up of the Leader who is elected by the Council, and six other Councillors who he/she appoints. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. If decisions are to be discussed with Council officers at a meeting of the Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet 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. The Leader can also appoint a Cabinet Support Member.

5. Overview and Scrutiny

- 5.1 There are three Overview and Scrutiny Committees who support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

6. The Council's Staff

6.1 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 the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and Councillors and this can be found in Part 5 of the Constitution.

7. Citizens Rights

7.1 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.

7.2 Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

7.3 Citizens have the right to:

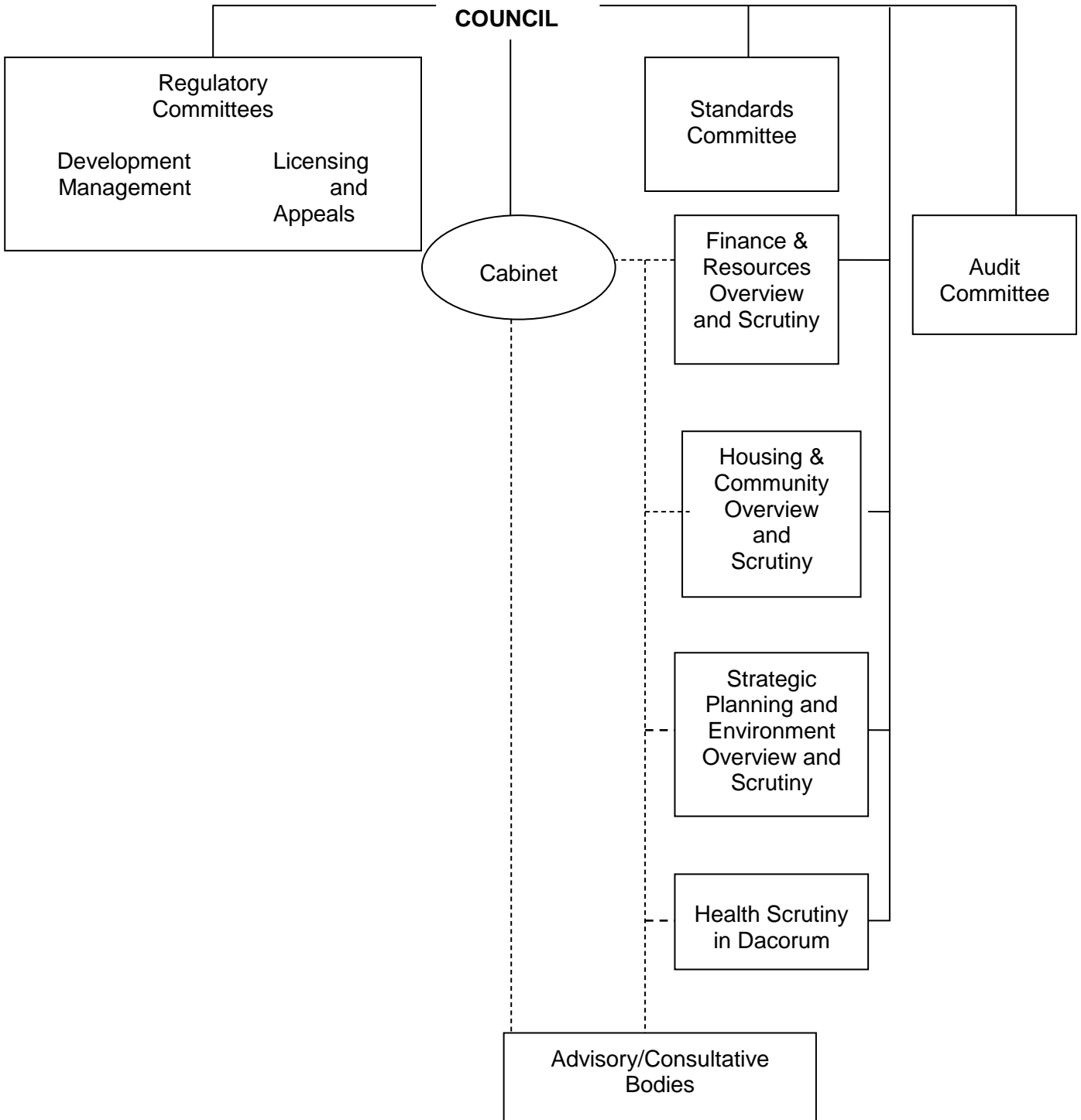
- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees and Sub-Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's public question time;
- be asked to 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 meetings of the Cabinet where decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council, its Committees, Sub-Committees, and the Cabinet;
- complain to the Council about any action of the Council, the Cabinet, a Committee, Councillor or officer. The Council's complaints procedure is set out in a leaflet available on the Council's website at the Council's offices or from the Council's Complaints Officer;
- 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 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.

7.4 The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend meetings can be found in Part 5 of the Constitution. For further information on your rights as a citizen please contact the Member Support Services team: (e-mail: member.support@dacorum.gov.uk).

Annex 1

**POLITICAL MANAGEMENT STRUCTURE FOR
DACORUM BOROUGH COUNCIL**



Reporting Line

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Table of Amendments

Date of Change	Paragraph Amended	Explanation of amendments	Authority
21/07/23	4.1	To reflect the authorities change to 6 Cabinet Members	Council May 2023