

PART 1

SUMMARY AND EXPLANATION

The Borough Council's Constitution

- 1 The Borough Council of King's Lynn and West Norfolk has adopted a revised Constitution which is a formal statement of how the Council operates and under what rules. It describes how decisions are made and the procedures which are followed. It aims to ensure that these procedures are efficient, transparent and that those who take them are accountable to local people for them. Many of these arrangements are required by the law but many others are ones the Council has chosen.
- 2 The Constitution is divided into 16 main sections called Articles, which set out the basic rules and some more detailed procedures and codes of practice at the end of the document.

What is in the Constitution?

- 3 Article 1 of the Constitution sets out the basic purposes of the Constitution and commits the Council to provide clear leadership for the people of the Borough in a way which best serves the people's needs and interests and explains the reasons. Articles 15 and 16 deal with keeping the Constitution under review, bringing it up to date, settling any doubts about its meaning and providing limited loop-holes to meet exceptional circumstances.

What are the structures by which the Council operates?

- 4 Articles 2 - 14 explain the various parts of the Council's structures and what opportunities citizens have to influence how the Council operates. The topic of each Article is as follows:-

Public Rights

- 5 Article 3 explains the main rights which members of the public have in relation to the Council.

Council Meetings and the Mayor

- 6 Article 2 describes the Council's membership of 62 Councillors, elected every four years by voters in areas called wards, who can stand, and the role and functions of elected Councillors.
- 7 Article 4 describes those Council functions which it undertakes itself and Article 5 deals with the position of Mayor who presides at Council meetings.

- 8 The main responsibility of the Full Council is to set the budget and policy framework within which Council decisions are made. It is set out more fully in Article 3.

The Cabinet

- 9 The Council appoints a Leader and the Leader then creates a Deputy Leader and Cabinet of not more than 10 members including the Leader and Deputy Leader. The Cabinet is chaired by the Leader of the Council. The Cabinet meets regularly to exercise all Executive functions of the Council as set out in Article 7. In addition each Cabinet Member has their own portfolio and this is set out in the Scheme of Delegation to Cabinet Members within Section 2 of Part 3 of this Constitution.

Scrutiny and Overview – challenging decisions and developing policy

- 10 All public decisions taken across West Norfolk should be open to constructive ‘challenge’. Such a challenge should seek to ensure that the best possible outcomes are realised with regard to the wellbeing of the Borough’s population, both now and in the future.
- 11 Within the Borough Council this responsibility rests ~~explicitly~~ with the work of the ~~Cabinet Scrutiny Committee Corporate Performance Panel~~ in offering a discerning and constructive challenge to Cabinet and delegated executive decisions/recommendations.
- 12 Alongside this activity (within the Council’s Scrutiny and Overview function) ~~the portfolio-based~~ through the - Policy Review and Development Panels ~~(and, in a co-ordinating role, the Policy Review and Development Liaison Committee)~~ will work creatively to review and develop Council policy in line with corporate strategy and priorities – with the intention of stretching performance rather than containing it.
- 13 The Council’s Audit function is carried out by an Audit Committee which ...

Regulatory Bodies

- 13 The Council has three bodies which, like the Cabinet and unlike the Panels, can take a range of decisions on behalf of the Council. These are listed in Article 8 and all have some roles which are regulatory. They are a Planning Committee which decides on certain planning applications and development ~~decisions~~ and, a Licensing and Appeals Board and a Licensing Committee which decide on the issuing of a range of licenses and hears appeals against a range of decisions.

Additional Bodies

- 14 The Council has 2 additional Bodies, the Standards Committee (see 21 below) and the Appointments Board which deal with filling any vacant

senior posts in the Councils staff and certain panel/member appointments.

Task Groups

- 15 Task Groups are small groups of Councillors with no powers to finally decide matters but which, working on a cross-party basis and with Council Officers, look into a particular matter and produce well considered recommendations. They may carry out various tasks and are then wound up; but the main work they do is to help develop new and better policies. (Article 9)

Area Bodies

- 16 The Council ~~does not have any Area Committees or Forums. These are new kinds of bodies which may be set up by the Council, with or without the power to take certain decisions locally on behalf of the Council if that seems likely to be a better way of meeting local needs. If any are contemplated, the Council will first consult fully with any parishes in the area in question. (Article 10)~~The Council has a King's Lynn Area Consultative Committee, which acts as a Consultative forum made up of King's Lynn Councillors to consider any issues pertinent to King's Lynn.

Co-operating with Other Organisations

- 17 Article 11 covers the making of joint arrangements with other public authorities and private organisations where the Council judges that it would be likely to be a better way of meeting local people's needs.

Council Staff

- 18 Article 12 sets the ground rules for employing Council staff and deals with the three special posts every Council must have to ensure that councillors do not exceed their powers or misbehave. Many day to day decisions are the responsibility of Council staff and these are set out in the scheme of delegation.

Good Decisions

- 19 Article 13 gives details of the rules governing how decisions generally must be taken in the best interests of local people and Article 14 does the same for financial legal decisions.

Councillors

- 20 The Council has 62 councillors who are 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.

- 21 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct and determines ~~matters- complaints~~ referred to it by ~~Standards- Board- for England-~~the Council's Monitoring Officer.

Key Decisions List

- 22 Each Month the Council will publish a ~~Forward~~ Plan called the ~~Key~~ Forward Decisions List which will list all the Key Decisions that are to be considered by the Cabinet over the next ~~4 months~~. Details relating to decisions made are set out in Article 13.

Public Participation

- 23 There are several ways in which members of the Public can make their views known on issues, influence decisions and raise issues that concern them. These include:-
- Responding to consultation exercises e.g. surveys and questionnaires
 - Lobbying Councillors
 - Writing to Councillors or Council Offices
 - Asking questions at Council Meeting
 - Public Speaking at Planning Committee
 - Scrutiny and Overview Function