

## Part 2 – Articles of the Constitution

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### Article 1 – The Constitution

#### 1.01 **Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### 1.02 **The Constitution**

This Constitution and all its appendices, is the Constitution of Bishop Auckland Town Council.

#### 1.03 **Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.
- b. support the active involvement of citizens in the process of local authority decision-making.
- c. help Councillors represent their constituents more effectively.
- d. enable decisions to be taken efficiently and effectively.
- e. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.
- f. provide a means of improving the delivery of services to the community.

#### 1.04 **Interpretation and Review of the Constitution**

Any interpretation of the Constitution will take account of the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 10, Review and Revision of the Constitution.

## Article 2 – Members of the Council

### 2.01 Composition and Eligibility

a. **Composition.** The Council will comprise 11 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each Ward, as detailed below, in accordance with a scheme drawn up by the Electoral Commission, based on recommendations from the Boundary Committee for England, and approved by the Secretary of State.

Bishop Auckland Town	2 Members
Cockton Hill	3 Members
Henknowle	3 Members
Woodhouse Close	3 Members

b. **Eligibility.** A person is qualified to be elected as a local councillor, and to hold such office if he/she is a British subject, or a citizen of the Republic of Ireland, or a relevant citizen of the European Union and on the day of nomination has reached 18 years of age and

- i is and continues to be, a local government elector for the area of the parish; or
- ii has during the whole of the twelve months preceding that day occupied, as owner or tenant, any land or other premises in that area; or
- iii their principal or only place of work during that twelve months has been in the area; or
- iv has during the whole of the twelve months resided in the area or within three miles of it.

### 2.02 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years from 2013.

The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and Functions of All Councillors

#### a. Key Roles

All Councillors will:

- i collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions.
- ii represent their communities and bring their views into the Council's decision-making process i.e. become the advocate of and for their communities.
- iii contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making.
- iv deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.

- v balance different interests identified within the ward and represent the ward as a whole.
- vi respond to constituents' enquiries and representations, fairly and impartially.
- vii be involved in decision-making at Town Council, Committee and Panel meetings.
- viii be available within the terms of the Constitution to represent the Council on other bodies.
- ix promote and maintain the highest standards of conduct and ethics.

b. **Rights and Duties**

- i Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- ii Otherwise than in accordance with the requirements of the Members' Code of Conduct and the reasonable requirements of the Council, Councillors will not make public information which is confidential or exempt or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

**2.04 Conduct**

Councillors will at all times observe the Members' Code of Conduct the Protocol on Member/Officer Relations and the other Codes, Policies or Protocols set out in Part 5 of this Constitution.

**2.05 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## Article 3 – Citizens and the Council

### 3.01 Citizens' Rights

Citizens have the following rights.

#### a. Voting and petitions

Citizens on the electoral roll for the area have the right to vote at Council elections and to sign and submit petitions.

#### b. Information

Citizens have the right to:

- i attend meetings of the Council, Committees and Panels except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
- ii see reports and background papers, and any records of decisions made by the Council, Committees and Panels, subject to restrictions in connection with exempt or confidential information.
- iii inspect the Council's accounts and make their views known to the external auditor.
- iv attend Councillors' Ward Surgeries.
- v contact the Council in person, in writing, by telephone, using email or by accessing the Council's website.
- vi expect the Council to respond promptly to correspondence, telephone calls, electronic messages and complaints.

#### c. Consultation

- i citizens have the right to be consulted on specific areas of service delivery.
- ii the Council is committed to effective consultation with residents and service users in order to ensure that they have the opportunity to be involved in the planning, prioritising and monitoring of our services.
- iii the Council will ensure that consultation is undertaken which adheres to the following principles, particularly in relation to the Town Plan:
  - use a variety of consultation methods in order that as many people as possible have the opportunity to become involved and to provide their views.
  - reduce barriers to communication and consultation.
  - identify ways of involving groups of people often excluded from consultation exercises.
  - ensure that the nature of any consultation initiative is clear and that an appropriate level of consultation is undertaken.
  - work in partnership with a variety of other organisations and groups.
  - ensure adequate feedback takes place.

**d. Participation**

Subject to the terms of the Constitution, Citizens have the right to participate in the Public Participation item; to speak and ask questions at meetings of the Council, Committees and Panels, under the direction of the Chair and in accordance with the relevant procedure rules.

**e. Complaints**

Citizens have the right to complain to:

- i the Council itself under its complaints procedure.
- ii Durham County Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.

**f. Human Rights Act 1998**

The rights of citizens under the Human Rights Act 1998 will be observed by the Council, its Members and Officers.

**3.02 Citizens' Responsibilities**

Citizens are expected not to be violent, abusive or threatening to Councillors or Officers and must not wilfully harm property owned by the Council, Councillors or Officers.

## Article 4 – The Full Council

### 4.01 Meanings

#### a. Policy Framework

The policy framework includes the following policies and procedures:

- Allotment Rules and Regulations
- Comments and Complaints Procedure
- Community Engagement Policy
- Community Fund Policy and Guidance
- Civility and Respect Pledge
- Data Protection Policy
- Disciplinary Procedure
- Document Retention and Disposal Policy
- Equal Opportunities Policy
- Financial Risk Management Scheme
- Freedom of Information Policy
- Grievance Procedure
- Health and Safety Policy
- Privacy Notice for Residents and the Public
- Privacy Notice for Staff, Councillors and Role Holders
- Public Filming, Recording and Reporting Policy
- Public Participation Policy
- Publication Scheme
- Risk Management Policy
- Scheme of Delegation
- Social Media Policy
- Staff Handbook
- Subject Access Request Policy
- Training Statement of Intent

#### b. Budget and Medium Term Financial Plan

The Budget and Medium Term Financial Plan provide for the allocation of resources (revenue and capital) to services provided directly by the Council or through partnership arrangements. They also set out the level of precept (Council Tax). Detailed operating rules for the Budget/Medium Term Financial Plan are contained in Part 4.2, Financial Regulations.

#### 4.02 Functions of the Full Council

Only the Council will exercise the following functions:

- a. subject to the provisions of Article 15.02, adopting and changing the Constitution.
- b. approving or adopting the policy framework, the budget.
- c. making decisions about any matter in connection with the discharge of any function which is contrary to the policy framework or the budget.
- d. appointing the Mayor and Deputy Mayor.
- e. agreeing and/or amending the terms of reference and responsibility for functions in respect of committees, deciding on their composition and making appointments to them.
- f. appointing representatives to outside bodies.
- g. adopting an allowances scheme under Article 2.05.
- h. confirming the appointment of the Town Clerk.
- i. all other matters which, by law, must be reserved to Council.

#### 4.03 **Council Meetings**

There are three types of Council meeting:

- a. the annual meeting.
- b. ordinary meetings.
- c. extraordinary meetings.

Meetings will be conducted in accordance with the Standing Orders in Part 4.1 of this Constitution.

## Article 5 – Chairing the Council

### 5.01 **Role and Function of the Mayor**

The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions:

### 5.02 **Ceremonial Role**

The Mayor will be the first citizen of Bishop Auckland. He/she will promote the Council as a whole, acting as a focal point for the community, attending such civic and ceremonial functions and fulfilling such civic duties as the Council and he/she determines to be appropriate.

### 5.03 **Chairing the Council Meeting**

The Mayor will have the following responsibilities:

- a. to uphold and promote the purposes of the Constitution, and, subject to the advice and guidance of the Town Clerk, during Council meetings to interpret the Constitution as and when necessary.
- b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- c. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community.
- d. to promote public involvement in the Council's activities.
- e. to be the conscience of the Council.

### 5.04 **Electing the Mayor and Deputy Mayor**

The Mayor and Deputy Mayor will be elected each year at the Annual Council Meeting in accordance with Standing Orders (Part 4.1 of the Constitution).

## Article 6 –Committees

### 6.01 Committees

The Council will appoint the committees set out in Part 3 of this Constitution to discharge the functions.

## Article 7 - Officers

### 7.01 Organisation Structure

#### a. General

The Council may engage such employees (referred to as Officers) as it considers necessary to carry out its functions.

#### b. Town Clerk and Responsible Financial Officer

- i. To act as the Proper Officer of the Council in carrying out all of its functions and to issue all notifications required by law.
- ii. To act as the Council's Responsible Financial Officer in ensuring that the Council's financial processes and records are acceptable and that the Council's finances are carefully administered.
- iii. To assume total responsibility for ensuring that the instructions of the Council are carried out in connection with its function as a local authority.
- iv. To advise the Council on and assist in the formation of, overall policies to be followed in respect of the Council's activities and in particular, to produce comprehensive information to enable effective and lawful decisions to be made and constructively implement those decisions.
- v. Working in partnership with Councillors, to provide leadership, guidance, support, vision and strategic direction for the Council.
- vi. To be accountable to the Council for the effective management of all of its resources.
- vii. To have overall responsibility for the council's administrative service and to act as a general manager in respect of all the Council's services, projects and initiatives.

#### d. Structure

The organisational structure of the Council is set out in Part 7 of the Constitution.

#### e. Changes to the Structure

Any changes to the structure must be agreed by the Council.

### 7.02 Conduct

Officers will comply with the Employees' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

### 7.03 Employment

The recruitment, selection and dismissal of officers will comply with the Employee Employment Rules set out in Part 5.4 of this Constitution.

## Article 8- Decision Making

### 8.01 Responsibility for Decision Making

Councillors collectively have responsibility to make decisions at meetings of the Full Council. Responsibility for making decisions can be delegated to committees and in some circumstance to the Town Clerk.

Terms of reference for committees is set out in Part 3.2 of this Constitution.

### 8.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality (i.e. the action must be proportionate to the desired outcome).
- b. due consultation and the taking of professional advice from Officers.
- c. respect for human rights and equality of opportunity.
- d. a presumption in favour of openness.
- e. clarity of aims and desired outcomes.
- f. an explanation of what options have been considered and giving the reasons for decisions.

### 8.03 Decision making by the full Council and Committees and sub-committees established by the Council

The Council, Committees and Sub-Committees will follow Standing Orders set out in Part 4.1 of this Constitution when considering any matter.

### 8.04 Decision making by Officers

Officers decisions will be subject to the principles of decision making (Article 8.2).

## Article 9 - Finance, Contracts and Legal Matters

### 9.01 **Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

### 9.02 **Contracts**

Every contract made by the Council will comply with the Financial Regulations set out in Part 4 of this Constitution.

### 9.03 **Legal proceedings**

The Town Clerk is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the he/she considers that such action is necessary to protect the Council's interests.

### 9.04 **Authentication of Documents**

The Town Clerk is authorised to sign documents on behalf of the Council.

## Article 10 - Review and Revision of the Constitution

### 10.01 **Duty to Monitor and Review the Constitution**

The Town Clerk will monitor and review the operation of the Constitution on a regular basis, in order to ensure that the aims and principles of the Constitution are given full effect and that the Scheme of Delegation, Rules of Procedure, Codes and Protocols and all of the other constituent elements are up to date and reflect legislative changes, the outcome of reviews or inspections and decisions taken by the Council.

### 10.02 **Changes to the Constitution**

The changes to the Constitution must be approved by Full Council.

## Article 11 - Suspension, Interpretation and Publication of the Constitution

### 11.01 Suspension of the Constitution

#### a. Limit to suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

#### b. Procedure to suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

#### c. Rules capable of suspension

Standing Orders at Part 4.1 of the Constitution may be suspended by resolution, except those that contain mandatory statutory requirements (i.e. those in **bold type**).

### 11.02 Interpretation

Subject to taking advice and guidance from the Town Clerk, the ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of the Constitution contained in Article 1.

### 11.03 Publication

a. The Town Clerk, as Proper Officer, will provide appropriate access to a copy of this Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

b. The Proper Officer will ensure that copies are available for inspection at Council Offices and the Council's website. Copies can be purchased by members of the local press and the public on payment of a reasonable fee.