

Part One

Summary and Explanation

The Council's Constitution

The London Borough of Haringey has agreed a new 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. The law requires some of these processes, while others are a matter for the Council to choose.

The Constitution is divided into 16 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.

What's in the Constitution?

Article 1 of the Constitution commits the Council to clear and transparent decision-making, which is inclusive and provides a focus for community leadership whilst also ensuring effective and efficient use of resources. Article 2 explains the role of members and Article 3 explains the rights of citizens in relation to the Constitution. Articles 4–16 explain how the key parts of the Council operate.

How the Council operates

The Council is composed of 57 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.

Councillors have to agree a code of conduct to ensure high standards in the way they undertake their duties. The Council's Standards Committee advises them on the code of conduct, arranges training and may hold hearings into alleged misconduct.

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 and the Leader appoints members of the Executive (known in Haringey as the Cabinet). The Council also appoints the various non-executive committees of the Council which cover regulatory matters outside the remit of the Cabinet. At Council meetings, members of the Council may:-

- Put forward motions for debate on issues of concern;

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- Question the members of the Cabinet on their functions and the Council's services;
- Ask questions of the chairs of other Council committees and Council representatives on joint authorities
- Present petitions to the Council on behalf of local people;
- Debate and decide the budget and major Council policies.

Members of the public are also entitled to ask questions at Council meetings; and to attend and speak as a deputation. They may also take part in debates which are specifically identified for that purpose.

At the Annual Meeting of the Council, the Council elects the Mayor and the Mayor appoints the Deputy Mayor.

How decisions are made

Some Council functions, such as decisions on planning applications or licensing matters, are regulatory matters under the overall responsibility of the Council itself. The Council has set up committees to deal with most of these. However, the Cabinet, is the part of the Council which is responsible for most day to day decisions. It is made up of the Leader and between 2 and 9 other Council members appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan insofar as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. In practice all decision-making by the Cabinet is similarly open to the public. The Cabinet has to make decisions which are in line with the Council's overall policies and budget which have to be decided by the Council as a whole. If the Cabinet 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 Cabinet is allowed to delegate decision-making to Cabinet committees, to individual Cabinet members or to officers. The Council or its committees can also delegate decision-making to sub-committees or to officers.

Whenever there is a reference in this Constitution to a decision that may be taken by the Cabinet meeting, a Cabinet Committee or by an individual Cabinet Member, that decision may also be taken by the Leader personally. This also applies to Cabinet or executive functions delegated to officers except in the few instances, for example decisions requiring specific professional expertise, where legally a decision of that kind may only be taken by an officer. These powers of the Leader do not extend to non-executive committees or non-executive functions delegated to officers.

Overview and Scrutiny

The Council appoints the Overview and Scrutiny Committee from among the non-executive (non-Cabinet) councillors to support the work of the Cabinet

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and the Council as a whole. The Overview and Scrutiny Committee co-ordinates and manages the work of any scrutiny panels which may be set up. They look into matters of concern and make reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. They also monitor the decisions of the Cabinet and 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 re-consider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

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 that the Council acts within the law and uses its resources wisely. A member/officer protocol governs the relationships between officers and Members of the Council.

Citizens' Rights

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.

Where members of the public use specific Council services, for example, as a parent or carer of a child at school or as a Council tenant, they have additional rights. These are not covered in this Constitution

Citizens have the right to:-

- Vote at local elections if they are registered;
- Contact their local councillor about any relevant matters of concern to them;
- Be treated equally and have equal opportunity with other citizens;
- Obtain a copy of the 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 change in the Council's governance arrangements;
- Participate in Council meetings as indicated above;
- Contribute to investigations by the Overview and Scrutiny Committee and scrutiny panels;
- Find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet, and when;

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- Attend meetings of the Cabinet, particularly where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
- See reports and background papers and any record of decisions made by the Council and the Cabinet;
- Complain to the Council about a problem with a Council service - a leaflet and form are available which explain how this can be done;
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints procedure.
- Complain in writing to the Council's Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's code of conduct;
- At the time of the external audit of the Council's accounts, inspect those accounts and make their views known to the external auditor.

The Council's procedures also allow members of the public to present deputations or ask questions at Council or Cabinet meetings.

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend the meetings (the Access to Information Procedure Rules) is set out in Part 4 of the Constitution and is available on request from the Democratic Services Manager.