

## **Part 1 - Summary and Explanation**

### **Table of Contents**

Part 1 - Summary and Explanation ..... 1

Aims of the Council ..... 2

The Council Structure ..... 2

The Council’s Constitution ..... 3

How the Council operates ..... 3

The Council’s Staff ..... 4

Citizens’ Rights ..... 4

Glossary of Terms ..... 6

## Aims of the Council

County Durham is a large county with a wide range of settlements and landscapes. The Council is made up of an elected assembly of 126 councillors accountable to over 500,000 people in County Durham and is responsible for:

- providing a wide range of public services to the people of County Durham;
- representing and promoting the interests of County Durham when dealing with regional, national and international affairs;
- Helping local people to look after their own affairs and to decide how and where money is best spent in their area.

The County Durham vision is structured around three strategic ambitions:

- **More and better jobs** - This ambition has a wide-ranging focus which includes not only development of the economy and creating jobs, but also working with young people and adults to help them into work, through good quality education and training.
- **Long and independent lives** – The ambitions for longer and independent lives focuses strongly on the health and wellbeing of the local population, including ensuring that all of our children and young people get the best start in life, and services for children with special educational needs and disabilities (SEND) are improved. The ambitions have a strong focus on improving mental as well as physical wellbeing.
- **Connected communities** – This is a dual ambition of safer communities and sustainable communities. In respect of safer communities this ambition focuses on making life better in local communities across the County. On how we ensure children and young people have safe lives in safe communities where people support each other, and have access to high quality housing, good transport links and vibrant town and village centres. In respect of sustainable communities, focus includes consideration of the quality and sustainability of the natural environment as well as housing and transport, and towns and village centres.

## The Council Structure

The powers and responsibilities of the Council are determined by Parliament with County Council elections held every four years. The most recent election was held in May 2021. As a 'unitary' council, Durham County Council provides the majority of council services in County Durham and works with a range of partners to provide services in the best possible way.

The Council's decision-making structure includes:

- A Cabinet of ten councillors which meets on a monthly basis to make decisions to implement the Council's policies and budgets. Cabinet is also required to set out

its programme of work prior to taking a key decision and before making a decision in private. A notice of key decisions is produced and published on the Council website.

- A Corporate Overview and Scrutiny Management Board and its Committees which can monitor Cabinet's decisions and the Management Board can 'call-in' a decision of the Cabinet (Executive) that has been made, but not yet implemented.
- The full Council of 126 councillors, being a forum for general debate and recognising achievements and outstanding service. The full Council is also responsible for a number of specific functions. This includes adopting and changing the Constitution, approving the Policy Framework and Budget, appointing the Leader of the Council, appointing committees, appointing chairs and vice chairs of committees, appointing representatives to outside bodies, receiving reports and recommendations from other Council bodies.
- Regulatory committees that are responsible for regulatory functions, including planning, highways, licensing and standards. Their business is often governed by law or regulations.

The Constitution sets out how the Council operates, how decisions are made and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people. There is time for public questions at both Cabinet and full Council.

Area Action Partnerships involve partners, local people and organisations in the Council's work, to allow various public, voluntary and community organisations as well as individuals to have a say in how local services are provided to their area.

## The Council's Constitution

Durham County 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.

The Constitution is divided into 12 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 towards the end of the document.

## How the Council operates

Councillors are democratically accountable to the residents of their electoral division. 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 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 and also has responsibilities in relation to Town and Parish Councils within County Durham.

## **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 protocol (to be found in Part 5 of the Constitution) 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 of a school pupil, 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 matters of concern to them;
- 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 mayoral form of executive;
- petition the Council about a matter for which it has responsibility or which affects the County. The Council will administer petitions in accordance with the Council Procedure Rules and the Overview and Scrutiny Rules (found in Part 4 of the Constitution);
- ask questions at Council meetings on matters relevant to the Council's functions;
- find out, from the Executive's Notice of Key Decisions, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive except where personal or confidential matters are being discussed;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about the way a service has been delivered or about anything the Council or the Executive have done or propose to do. A copy of the Council's Corporate Complaints Policy and Procedure can be obtained from the Director of Legal and Democratic Services;

- complain to the Local Government and Social Care 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 process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor or a parish councillor has not followed their council's code of conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Legal and Democratic Services. A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

## Glossary of Terms

<b>Advisor</b>	A person, who is neither a Member nor an Officer of the Council, appointed by a committee, sub-committee or panel to advise on specific matters or generally. This person cannot vote.
<b>Articles</b>	The basic rules governing the Council's business.
<b>Background Papers</b>	The law says that report authors must list any papers used in compiling a report for decision, and these papers must be available for 4 years to anyone wishing to inspect them.
<b>Budget</b>	All the financial resources allocated to different services and projects.
<b>Budget and Policy Framework</b>	The plans and strategies which have to be adopted by the full Council and within which the Executive have to operate. See Article 4.
<b>Cabinet</b>	The Councillors who, together with the Leader, form the Executive.
<b>Call-in</b>	A mechanism which allows the Overview & Scrutiny Committee to examine and challenge an Executive decision before it is implemented.
<b>Chair</b>	The first citizen of the County who promotes the County and carries out ceremonial activities on behalf of the Council, including chairing meetings of the Council.
<b>Chief Financial Officer</b>	Also known as the "Section 151 Officer". The officer responsible for the administration of the financial affairs of the Council. This is a statutory 'proper officer' role.
<b>Chief Officers</b>	The most senior Council staff. See Article 9 and the Officer Employment Procedure Rules.
<b>Clear Working Days</b>	Relevant to prior notice of decisions – all agendas and papers for decisions in public must be available 5 clear working days before the decision is taken (special rules can apply to urgent late items). The five days does NOT include the day the papers are sent out or the date of the meeting (hence the use of 'clear'). 'Working' is taken to be Monday to Friday

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	inclusive and excludes Saturdays, Sundays and Bank Holidays.
<b>Confidential Information</b>	Information either given to the Council by the Government on terms which forbid its public disclosure, or which cannot be publicly disclosed by Court Order. See also 'Exempt Information' below.
<b>Constitution</b>	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
<b>Co-optee / Co-opted</b>	A non-councillor (may be non-voting) appointed to serve on a committee / sub-committee in a participatory capacity.
<b>Corporate Directors</b>	The Officers in charge of the Council Directorates.
<b>Council Committees</b>	May be established by the Council to assist with non-Executive functions.
<b>Council Procedure Rules</b>	Rules governing meetings of Council committees and sub-committees, apart from the Executive.
<b>Delegation</b>	Formal authorisation for a committee, portfolio holder, joint committee or officer to take an action which is the ultimate responsibility of the Council or Executive.
<b>Executive</b>	The Leader and the Cabinet; responsible for carrying out most of the Council's functions. The Executive must consist of a minimum of three Councillors, including the Leader, and a maximum of 10.
<b>Executive Procedure Rules</b>	The rules of procedure governing meetings of the Executive. Note that Advisory Panels and Consultative Forums established by the Executive have their own set of procedure rules.
<b>Exempt Information</b>	Information falling into one of 7 categories set out in <a href="#">Schedule 12A to the Local Government Act 1972</a> (as amended) which usually cannot be publicly disclosed. See the Access to Information Procedure Rules in Part 4 of the Constitution.
<b>Forward Plan</b>	A schedule of the Key Decisions the Executive expects to take over the next 4 months.

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<b>Head of Paid Service</b>	The most senior officer, with overall responsibility for the management and operation of the Council. The Head of Paid Service is a statutory 'proper officer' role.
<b>Joint Committee</b>	A body appointed under <a href="#">Section 101 of the Local Government Act 1972</a> (e.g. crematoria committees).
<b>Key Decision</b>	A decision by the Executive which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Wards (sometimes 1 Ward). (See Article 10 for more information).
<b>Leader of the Council</b>	Elected by the whole Council usually, though not always, from within the political group with most councillors on the Council. Proposes the membership of the Executive, which must then be approved by the whole Council. Leads and Chairs the Executive.
<b>Mayor</b>	Although the City of Durham has a ceremonial Mayor, in this constitution, any reference to a mayor is to an elected mayor, which does not currently exist for the area and would require a change in the governance structure of the Council from the current Leader and Cabinet model.
<b>Monitoring Officer</b>	The Officer charged with ensuring that everything that the Council does is fair and lawful. The Monitoring Officer is currently the Director of Legal and Democratic Services. This is a statutory 'proper officer' role.
<b>Overview &amp; Scrutiny</b>	A Corporate Overview and Scrutiny Committee providing strategic leadership and five thematic committees to provide support and advice to the Executive by contributing to the review and development of policy. Also to hold the Executive to account by questioning, challenging and monitoring their performance.
<b>Political Proportionality</b>	A legal principle which dictates that committees of the Council (but not the Executive) must include elected politicians in proportion to the size of their groups on the Council as a whole.
<b>Portfolio Holder</b>	A Cabinet Member with responsibility for ensuring the effective management and delivery of a particular area of the Council's work. See Article 6.



<b>Procedure Rules</b>	Detailed rules which govern how the Council operates and how decisions are taken. See Part 4 of the Constitution.
<b>Proper Officer</b>	A senior officer of the Council who has specific responsibilities in law.
<b>Protocols</b>	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
<b>Quorum</b>	The minimum number of people who have to be present before a meeting can take place. This is set out in the relevant Rules of Procedure in Part 4 of the Constitution.
<b>Scheme of Delegation</b>	The document in Part 3 of the Constitution which sets out the functions that are the responsibility of the full Council or a committee or sub-committee of the Council and those functions which are the responsibility of the Executive or an officer of the Council.
<b>Substitute</b>	Some committees permit councillors to appoint a substitute (or reserve) councillor to attend a meeting, which they cannot attend themselves (for regulatory committees, the substitute must have completed the required training).
<b>Summons</b>	The term used to describe the Agenda for meetings of the full Council.
<b>Virement</b>	Moving budget funds from one area of expenditure to another within a financial year.