



**North  
Herts**  
Council

# CONSTITUTION

CONTENTS	
PART A .....	4
SECTION 1 Introduction .....	4
SECTION 2 Purpose, Definition, Interpretation and Amendment of the Constitution .....	7
SECTION 3 Getting Information and Getting Involved.....	13
Appendix 1 to Section 3 Petition Scheme... ..	19
SECTION 4 Full Council .....	21
SECTION 5 The Cabinet.....	44
SECTION 6 Scrutiny .....	56
Appendix 1 to Section 6 Councillor Call for Action - Guidance for Councillors.....	67
SECTION 7 The Standards Committee.....	69
SECTION 8 Regulatory Committees (Licensing and Regulation; Licensing Sub, Licensing Regulation Sub & Planning Control) .....	72
Appendix 1 to section 8 Procedure for public participation in the consideration by the Planning Control Committee of applications made under the Town and Country Planning and related legislation .....	77
Appendix 2 to section 8 Procedure for participation of Members in the consideration by the Planning Control Committee of applications made under the Town and Country Planning Act and related legislation. ....	79
Appendix 3 to section 8...Member’s Planning Code of Good Practice.....	82
SECTION 9 Area Committees .....	92
SECTION 10 Finance Audit and Risk Committee, Employment Committee, Employment Panel: Employment Appeals Committee.....	97
SECTION 11 CCTV Joint Committee, Hertfordshire Growth Board Governance & Joint Committees...	104
SECTION 12 Officer Functions .....	127
SECTION 13 Finance, Contracts and Legal Matters .....	138
SECTION 14 Responsibility for Functions (Officer and Member delegations) .....	140
SECTION 15 Access to Information Rules .....	179
SECTION 16 Budget and Policy Framework Procedure Rules.....	190
SECTION 17 NHDC Code of conduct for Councillors <sup>1</sup> .....	197
SECTION 18 Protocol for Member/Officer Working Arrangements.....	209
SECTION 19 Financial Regulations.....	218
SECTION 20 Contract Procurement Rules.....	255

# **NORTH HERTFORDSHIRE DISTRICT COUNCIL CONSTITUTION**

## **PART A**

### **SECTION 1**

#### 1. Introduction

##### 1.1 Purpose and Content of the Constitution

- 1.1.1 The Constitution describes the various bodies that make up the Council, their functions, membership and procedural rules.
- 1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.
- 1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committee, Standards Committee and Regulatory Committees. Section 12 provides information on the management and officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Sections 4, 5, 6, 7, 8, 9, 10 and 14 say which Council bodies, and which members and officers, have authority to make which decisions.
- 1.1.4 At Sections 4.8 and 6 we have set out the procedural rules that apply to the different Council bodies. You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections 17 and 18 have the Codes of Conduct and Protocols which officers and Members have agreed to comply with. They set the standards of behaviour.
- 1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

##### 1.2 How the Council Operates

- 1.2.1 The Council is comprised of forty nine Councillors each elected for a four year period. Elections are held in three out of four years with a third of the seats contested in each year. Each Councillor is democratically accountable to the residents of their electoral ward as well as all of those who live in the District of North Hertfordshire. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them. Councillors who do not attend at least one Council or Committee meeting in a six month period cease to be a Councillor, unless their absence is approved by Full Council within that period.

- 1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Monitoring Officer is responsible for training and advising on the Code of Conduct. The Standards Committee (Section 7) also plays an important role in promoting and maintaining high standards of conduct.
- 1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the Budget each year. The Council appoints the Leader of the Council. The Leader then decides the size and membership of the Cabinet (within parameters set by legislation), the role of individual Members of the Cabinet and arrangements for the exercise and delegation of Executive Functions (for definition see paragraph 2.2 below).
- 1.2.4 In addition to Council and Cabinet there are a number of other committees, whose terms of reference are set out in the Constitution. These committees do different things, for example make decisions on some planning or licensing applications, or scrutinise work being undertaken. There are also five Area Committees which promote close working with our communities. For details as to how the committees operate please look at the section in the Constitution for that committee. These committees have Members from different political parties sitting on them, usually in proportion to their party's overall share of the Council's 49 seats (with the exception of Area Committees).
- 1.2.5 As well as formal committee meetings, which have legal and constitutional requirements as to how they operate, the Council will also occasionally use Working Parties. A Working Party has no legal or constitutional requirements, for example they do not require a published agenda, reports or minutes. Generally these meetings are private, informal and have no decision making powers. Working Parties consider issues in detail and then report back to Council (or another committee) with findings and recommendations. They are often used in the early stages of policy formulation. A Working Party can be formed at any time to deal with a particular issue and will be disbanded after that issue is resolved. The Group Leaders of each political party choose which of their Members will sit on the Working Party.
- 1.2.6 On larger projects the Council uses an approach based on the PRINCE2 (an acronym for projects in controlled environments, version 2) model of project management, in which the Lead Officer (called the project executive) is the decision maker. This model includes Project Boards whose role is to provide the Lead Officer with the support and input necessary for the project to proceed and to overcome any problems. The Managing Director appoints the Lead Officer for the Project Board, and the Lead Officer will liaise with relevant Senior Officers and the Leader of Council on the Officer/ Member appointment to the Board (respectively). Membership will take into account the number of Members/ Officers, the risk and/or profile of the project and the skills and experience that will benefit the project (this list is non exhaustive). It may include external support. Membership usually includes appropriate Cabinet members. A Member shall Chair the Board. As an internal consultation and advisory meeting with no

decision making powers, meetings are private and do not require a published agenda, reports or minutes.

If you need any further help please visit our website <http://www.north-herts.gov.uk/>

The Council Offices are located at Gernon Road, Letchworth Garden City, SG6 3JF. Telephone number 01462 474000.

Whilst the Constitution is very long we hope that you will find it easy to use. We have tried to make it as easy to follow as is possible with such a long and complex legal document.