

Part 1 - Summary and Explanation

1. Purpose of the Constitution

- 1.1 This Constitution provides a single point of reference as to how the London Borough of Barking and Dagenham (“the Council”) operates. The Council is a Local Authority which means that it provides government at a local level.
- 1.2 The contents of this Constitution derive from:
 - a) Statute – Acts of Parliament and Regulations
 - b) Decisions of the Assembly (full Council)
 - c) Decisions of the Council’s Cabinet
- 1.3 The Constitution is divided into chapters which set out the basic rules governing the Council’s business.

2. How the Council operates

- 2.1 The Council is comprised of 51 Councillors, also referred to as Members, who are elected for a four-year term of office. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to represent the whole community, although they have a special duty to represent their constituents including those who did not vote for them.
- 2.2 The Council has adopted the strengthened Leader model and, under this model, the Council’s executive functions are discharged by the Cabinet as a collective body, by the Leader of the Council or delegated to officers.
- 2.3 All Councils have to adopt a Councillors’ Code of Conduct and all Councillors have to agree to comply with this Code to ensure high standards in the way they undertake their duties. The Audit and Standards Committee is responsible for overseeing training and advising Councillors on the Code of Conduct and for dealing with complaints of breach of the Code.

3. How decisions are made

- 3.1 The Assembly, which comprises all 51 members of the Council, is responsible for setting the annual budget, for the main policy framework within which the Council operates, for regulatory functions and for appointing very senior staff.
- 3.2 The Assembly also elects a Councillor to be the Leader of the Council, who in turn appoints up to nine other Councillors to make up the Cabinet, one (or more) of whom is appointed as the Deputy Leader. Each of the Cabinet Members are allocated areas of responsibility (known as “portfolios”) by the Leader.
- 3.3 The Cabinet is responsible for the Council’s main executive decision-making powers and the overall delivery of Council services. The Health and Wellbeing Board also has executive decision-making powers in relation to certain public health matters.

- 3.4 When major decisions, known as “key decisions”, are to be made they are published in advance in the Council’s Forward Plan. The meetings at which the decisions are to be made will generally be open for the public to attend, except where confidential or exempt matters are being discussed.
- 3.5 The Cabinet and Health and Wellbeing Board must make key decisions in line with the Council’s overall policies and budget. If the Cabinet or Health and Wellbeing Board wish to make a key decision which is not in line with the Budget or Policy Framework, this must be referred to the Assembly to decide.
- 3.6 The Council’s executive arrangements are described later in the Constitution.

4. Overview and Scrutiny

- 4.1 The Council's Overview and Scrutiny functions are fulfilled by the Overview and Scrutiny Committee, except for health-related matters which are the responsibility of the Health Scrutiny Committee. These Committees have a number of specific functions including:
- a) Supporting the work of the Cabinet and the Council as a whole by considering and making recommendations through the scrutiny review process,
 - b) Scrutinising key decisions made by the Cabinet and other decision-makers and holding them to account. They have the power to consider key decisions made, but not yet implemented, by the Cabinet and other decision-makers and can ask the decision-maker, through the process of "Call-In", to reconsider those decisions. The Overview and Scrutiny Committee and/or Health Scrutiny Committee may also refer matters direct to the Assembly if they consider that a decision may be contrary to the Budget or Policy Frameworks.
 - c) Reviewing matters relating to a wide range of partner organisations, including those relating to health, education and to law and order, to ensure that the public authorities that operate in Barking and Dagenham are acting in an effective and co-ordinated manner and in the public interest.

5. The Council’s Staff

- 5.1 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 governs the relationship between officers and Members of the Council which can be found in Part 5, Chapter 5 of this Constitution.

6. Resident’s Rights

- 6.1 For the purposes of this Constitution, the term ‘residents’ includes (where appropriate) those people who live, study, work or have businesses in the borough or who receive services for which the Council is responsible.

- 6.2 Barking and Dagenham's residents have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.
- 6.3 The Council welcomes participation by residents in its work. The Constitution sets out the public's rights of access to the Council's agenda papers, to reports that are to be considered at meetings and to background papers relating to those reports. The Access to Information rules governing these are contained in Part 2, Chapter 17 of this Constitution. The Council's Meeting Rules (Part 2, Chapter 3) also set out public participation arrangements in Council meetings.
- 6.4 Residents also have separate rights of access to documents held by the Council under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 6.5 Residents also have the right to:
- a) vote at local elections if they are registered;
 - b) contact their local Councillor about any matters of concern to them;
 - c) obtain a copy of the Constitution (for a reasonable fee);
 - d) petition to request a referendum on a mayoral form of executive (i.e. a directly elected Mayor);
 - e) attend meetings of the Council and its committees except where, for example, personal / exempt or confidential matters are being discussed;
 - f) participate in Council meetings in line with the procedures for the meeting (the procedures for the various Council meetings are, where relevant, set out in more detail in this Constitution);
 - g) find out via the Council's Forward Plan what major decisions are to be discussed, when and by whom;
 - h) complain to the Council about its services and receive a timely response;
 - i) complain to the Ombudsman if they think that the Council has not followed its procedures properly. However, this should only be done after using the Council's own complaints process;
 - j) complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
 - k) inspect the Council's accounts and make their views known to the external auditor.

