

# SUMMARY AND EXPLANATION

## The Council's Constitution

Epping Forest District Council 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. Some of these processes are required by the law, while others are a matter for the Council to choose.

### What's in the Constitution?

The Constitution itself is divided into 18 articles (see Part 2) which set out the basic rules governing the Council's business.

Article 1 sets out fundamental provisions of the Constitution, confirms the Council's commitment to acting within the law and defines the documents comprising the Constitution. It also sets out information on the Council's community leadership role and how the Constitution will support that role.

Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

2. Members of the Council
3. The Public and the Council
4. The full Council
5. Chairing the Council
6. Overview and Scrutiny
7. The Executive
8. Regulatory and other Committees
9. The Standards Committee
10. DDMC and Area Plans Subcommittees
11. Audit and Governance Committee
12. Joint Arrangements
13. Officers
14. Decision Making
15. Finance/Contracts and Legal matters
16. Review and Revision of the Constitution
17. Suspension of the Constitution
18. Access to Information (NEW)

Additionally the Constitution contains how decisions are delegated to individuals or officers of the Council (Part 3), the rules by which it operates its meetings (Part 4), its Code of Conduct for members (Part 5) and the Members Allowances Scheme (Part 6).

### How the Council Operates

The Council is composed of 58 Councillors each elected for a four year period, with one third of the total number being elected three years in four (elections to the Essex County Council being held every fourth year). 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 ward 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 Standards Committee trains and advises them on the code

of conduct. This code is set out in Part 5 of this Constitution.

All Councillors meet together 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 and the Chairman and Vice-Chairman of the Council, its committees, and sub-committees, panels and Working Groups. The Council also appoints representatives to outside bodies, confirms the appointment of the Head of Paid Service, can adopt bye-laws and promote legislation and can be involved in a number of community engagement activities. The Leader is responsible for appointing members of the Cabinet and appointing members to outside bodies that fall within the responsibility of the Executive.

### **How Decisions are made**

The Cabinet (Executive) is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of a maximum of ten Councillors consisting of a Leader and nine other Portfolio holders appointed by the Council. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far 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.

The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it 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.

### **Overview and Scrutiny**

There is one Overview and Scrutiny Committee which supports the work of the Cabinet (by acting as a critical friend) and the Council as a whole. They can allow citizens to have a greater say in Council matters by holding public meetings into matters of local concern.

These can lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Cabinet. They can 'call-in' a decision (see Part 4 Section 2) 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 or Portfolio Holder to reconsider their decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

To give local citizens a greater involvement in development control issues, three Area Plans Subcommittees have been running for a number of years. These cover different geographical areas within the district and are responsible for determining planning applications and for related development control matters for those areas. They involve councillors from each particular area and are held in public. The public can, by prior arrangement, speak on matters that directly affect them.

### **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 code of practice governs the relationships between officers and members of the Council. (See Article 13)

## 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.

Where members of the public use specific council services, or have a special relationship with the Council, for example 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 councillors 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 in accordance with legal requirements or by using our petitions procedure, to seek change on matters of local concern;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees when invited to do so;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by them or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council or compliment it about a service through the Council's compliments and complaints procedure if they are pleased about a service or member of staff or are not happy with the way the Council has done something or feel that the Council failed to do something.
- complain to the Ombudsman if they think the Council has not followed its procedures properly but 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 has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor;
- attend meetings of the Council, the Cabinet, committees, sub-committees and panels and see agenda, reports, background papers and minutes for those meetings, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

As an aid to understanding some of the terms used in this constitution, a glossary has been provided within this section of the Constitution.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please telephone 01992 564000 between 9.00 a.m and 5.00 p.m and ask for Democratic Services.