

# PART 1

## SUMMARY AND EXPLANATION

### 1 THE COUNCIL'S CONSTITUTION

- 1.1. The Harlow District Council Constitution 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 procedures are required by the law, while others are a matter for the Council to choose.
- 1.2. The Constitution is divided into 15 articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later in the document.
- 1.3. This Constitution is established and published in accordance with Section 37 of the Local Government Act 2000 (as amended).

### 2 WHAT'S IN THE CONSTITUTION?

2.1. Article 1 of the Constitution commits the Council to providing community leadership, encouraging public participation and to conduct its affairs and provide services in an open and transparent manner with due consideration to equality and diversity. Articles 2 to 15 explain the rights of citizens and how the key parts of the Council operate. These are:

- a) Councillors (Article 2);
- b) Citizens and the Council (Article 3);
- c) The Full Council (Article 4);
- d) Chairing the Council (Article 5);
- e) Cabinet (Article 6);
- f) Scrutiny (Article 7);
- g) Audit and Standards Committee (Article 8);
- h) Other Committees, Sub-Committees, Working Groups, Parties and Panels (Article 9);
- i) Joint arrangements (Article 10);
- j) Officers (Article 11);
- k) Decision-making (Article 12);

- l) Finance, contracts and legal matters (Article 13);
- m) Review and revision of the Constitution (Article 14); and
- n) Suspension, interpretation and publication of the Constitution (Article15).

### **3 HOW THE COUNCIL OPERATES**

- 3.1. The Council is composed of 33 Councillors, elected for a four (4) year term with one-third retiring every three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community and to all of their constituents, including those who did not vote for them.
- 3.2. Councillors follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Committee provides training and advises them on the Code of Conduct.
- 3.3. All Councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.
- 3.4. Full Council appoints the Chair, Vice-Chair, the Leader as well as Committees, Sub-Committees, Working Groups, Parties or Panels to undertake functions on its behalf.
- 3.5. Council meetings are also an opportunity for the public to raise issues and ask questions in accordance with the public participation arrangements on matters relating to the Council or the district.

### **4 HOW DECISIONS ARE MADE**

The Cabinet

- 4.1. The Cabinet is responsible for key decisions (as defined in Part 2, paragraph 12.2) in the Council.
- 4.2. The Cabinet is made up of the Leader of the Council and at least two (2) but no more than nine (9) other voting Councillors appointed by the Leader. These Councillors are normally referred to as Cabinet Members and/or Portfolio Holders.
- 4.3. Cabinet meetings are generally public meetings, except where confidential matters are discussed.
- 4.4. The Cabinet has to make decisions which are in line with the Council's policy framework and budget. If it wishes to make a decision which is outside the policy framework or budget, the Cabinet must recommend the matter to Full Council for a decision.
- 4.5. The Cabinet may also appoint Committees, Sub-Committees, Working

Groups, Parties or Panels to support the work of the Cabinet.

## **5 SCRUTINY**

- 5.1. The Council will appoint at least one Committee to undertake overview and scrutiny to support its work and the Council as a whole.
- 5.2. Such Committees review and report on matters outside the control of the Council.
- 5.3. Scrutiny includes a power to 'call-in' decisions which have been made but not yet implemented, which enables it to consider whether the decision is appropriate. The relevant Committee may recommend to the Cabinet that it reconsiders a decision. This is known as call-in and the procedure is detailed in Part 4 of the Constitution.

## **6 AUDIT AND STANDARDS COMMITTEE**

The Audit and Standards Committee deals with a range of matters including issues concerning Councillors' conduct, audit and risk functions, providing advice and guidance to the Council, the Cabinet and individual Councillors.

## **7 OTHER COMMITTEES, SUB-COMMITTEES, WORKING GROUPS, PARTIES AND PANELS**

- 7.1. Full Council may appoint Committees, Sub-Committees, Working Groups, Parties or Panels to undertake functions on its behalf.
- 7.2. In addition to the Scrutiny Committee, Audit and Standards Committee and Sub-Committees, Working Groups, Parties and Panels, the Council shall establish and appoint Councillors to the following Committees which will report to Council:
  - a) Development Management
  - b) Licensing
- 7.3. In addition to the above Committees, the Council shall establish and/or appoint Councillors to the following Working Groups, Parties and Panels where appropriate, which will report to Council:
  - a) Chief Executive's Appraisal Panel
  - b) Independent Remuneration Panel
  - c) Appointments Panel

## **8 THE COUNCIL'S STAFF**

8.1. The Council has staff 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.

8.2. The Officer/Councillor Protocol governs the relationships between Officers and Councillors.

## **9 CITIZENS' RIGHTS**

9.1. 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 procedures. The Citizens' Advice Bureau can advise on individuals' legal rights in addition to the Welfare Rights and Advice Centre. The Council will advise citizens of their rights related to functions of the Council when possible and/or appropriate.

9.2. Where members of the public use specific Council services they have additional rights. These are not covered in the Constitution. Citizens have the right to:

- a) vote at local elections if they are registered;
- b) contact their local Councillor about any relevant matters of concern to them;
- c) obtain a copy of the Constitution;
- d) attend meetings of the Council and its Committees (except where, for example, personal or confidential matters are being discussed); to receive information and documents to be considered as well as details of decisions made;
- e) petition to request a referendum on a mayoral form of executive;
- f) participate in the Council and Committees' question time and contribute to investigations by the Scrutiny Committee in accordance with the Constitution;
- g) complain:
  - i) to the Council about its actions or failure to take action;
  - ii) to the Local Government Ombudsman if they think the Council has not followed its own procedures properly but can only do this after exhausting the Council's Complaints Procedure;
  - iii) to the Monitoring Officer if they believe that a Councillor has not followed the Councillor Code of Conduct; and

h) inspect the Council's accounts and make their views known to the external auditor.

9.3. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Governance.

9.4. Citizens must respect others in all dealings with the Council, abide by the rules of meetings, not be violent, abusive and threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers. The Council will pursue all lawful actions to prevent or curtail any such behaviour and seek civil or criminal remedies for any harm done where appropriate.