

# **PART 1**

## **SUMMARY AND EXPLANATION**

### **1 THE COUNCIL'S CONSTITUTION**

- 1.1 The Harlow 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.
- 1.2 The Constitution is divided into 14 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.

### **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 14 explain the rights of citizens and how the key parts of the Council operate. These are:-
  - (a) Members of the Council (Article 2);
  - (b) citizens and the Council (Article 3);
  - (c) Full Council (Article 4);
  - (d) chairing the Council (Article 5);
  - (e) overview and scrutiny of decisions (Article 6);
  - (f) policy and other committees (Article 7);
  - (g) Standards Committee (Article 8);
  - (h) joint arrangements (Article 9);
  - (i) officers (Article 10);
  - (j) decision-making (Article 11);

- (k) finance, contracts and legal matters (Article 12);
- (l) review and revision of the Constitution (Article 13); and
- (m) suspension, interpretation and publication of the Constitution (Article 14).

### **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, but they have a special duty to all their constituents, including those who did not vote for them.

3.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee provides training and advises them on the code of conduct.

3.3 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints committees to undertake functions on its behalf and provides the means by which those committees can subsequently be held to account for the decisions they make. It is 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**

4.1 Most day-to-day decisions are made by policy committees. The Council has three (3) policy committees. These are:-

- (a) Policy and Resources Committee;
- (b) Environment and Community Committee; and
- (c) Housing Committee.

4.2 In addition there are other committees made up of Audit & Improvement Committee together with two committees which also carry out a number of regulatory functions, being the Planning Committee and the Licensing Committee.

## **5 SCRUTINY**

5.1 There is one (1) Scrutiny Committee that supports the work of the policy committees and the Council as a whole. This allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the policy committees. It can 'call-in' a decision which has been made by a policy committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the policy committee or Full Council reconsider the decision. It may also be consulted by policy committees on forthcoming decisions and the development of policy.

## **6 STANDARDS**

6.1 The Standards Committee, which includes independent (non-elected) members, deals with a range of matters including issues concerning Members' conduct, providing advice and guidance to the Council and individual Members and advising on the application and review of the Constitution.

## **7 THE COUNCIL'S STAFF**

7.1 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.

7.2 The Officer/Member Protocol governs the relationships between officers and Members of the Council.

## **8 CITIZENS' RIGHTS**

8.1 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 processes. The Citizens' Advice Bureau can advise on individuals' legal rights in addition to the Welfare Rights and Advice Centre.

8.2 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 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 committee's question time and contribute to investigations by the Scrutiny Committee;
- (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 procedures properly but can only do this after using the Council's own complaints procedure;
  - (iii) to the Standards Committee if they believe that a Councillor has not followed the Councillor's Code of Conduct; and
- (h) inspect the Council's accounts and make their views known to the external auditor.

8.3 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Legal and Democratic Services.