

### **The Council's Constitution**

Broxbourne Borough Council has agreed this 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.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **What is in the Constitution?**

Article 1 of the Constitution commits the Council to exercise all its powers in accordance with the law and this constitution. Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The executive (Article 7)
- Regulatory and other committees (Article 8).
- Area committees or forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

### **How the Council operates**

The Council is composed of 30 councillors with one-third elected 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 their 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 Audit and Standards Committee trains and advises them on the code of conduct.

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 the leader for a 4 year term and committees to carry out the work that is not the responsibility of the Cabinet or the Council as a whole.

### **How decisions are made**

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The

Cabinet is made up of the Leader, who is appointed by the Council and between 2 and 9 councillors whom he/she appoints. When major decisions are to be discussed or made, these are published in the Cabinet key decisions and private meeting notice 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 a scrutiny committee which supports the work of the Cabinet and the Council as a whole. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The scrutiny committee also monitors the decisions of the Cabinet. It can call-in a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## **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.

## **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. The local Citizens Advice Bureau can advise on individuals' legal rights. Where members of the public use specific council services, homelessness advice for example, 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 councillor 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;
- participate in the Planning and Regulatory Committee and contribute to investigations by the Scrutiny Committee;
- find out, from the Cabinet's key decisions and private meeting notice, what major decisions are to be discussed by the Cabinet or decided by the Cabinet 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;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints

process;

- complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Support Services. Citizens have a right of access to agendas and reports to council meetings. Details can be found in Part 4 – Section (B) Access to Information Procedure Rules below.

### **Notes**

- (1) Any reference to specific legislation or statutory provisions in the Constitution shall be automatically deemed to refer to any relevant aspects of any successive legislation or statutory provisions, pending formal updating.
- (2) Reference to specific Officers in the Constitution shall be automatically deemed to refer to any successor Officer(s) who is/are charged with the same responsibilities, following any future reorganisation, save that, for the sake of clarity and proper control, in the case of any ambiguity about who shall exercise a particular delegation of authority, the delegation shall refer to the higher ranking Officer(s).
- (3) In November 2014 the Council approved a general delegation to enable the Monitoring Officer, in consultation with the Chief Executive, to amend the constitution document to reflect revised post titles and staffing arrangements within the Council as and when they are agreed.