

# **Section 2 – The Purpose, Interpretation and Suspension of the Constitution**

## **2.1 Powers of the council**

2.1.1 The council will exercise all its powers and duties in accordance with the law and this Constitution.

## **2.2 The Constitution**

2.2.1 This document, and all its appendices, is the Constitution of the East Hertfordshire District Council.

## **2.3 Purpose of the Constitution**

2.3.1 The council is committed to serving the aspirations and the needs of the whole community of East Hertfordshire with efficient and cost effective services. It will promote economic, environmental and social wellbeing whilst protecting the District's heritage of market towns, villages and countryside.

2.3.2 The council believes that local government should never be onerous or burdensome and should always act to empower individuals and their communities. All processes operated by the Council will permit access by individuals affected whenever possible and be designed to be equitable and fair.

2.3.3 The purpose of the Constitution is to:

- (a) enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Members represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision which they were directly involved in taking;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

## **2.4 Interpretation and Review of the Constitution**

2.4.1 Where the Constitution permits the council to choose between different courses of action, the council will always choose that option which it thinks is closest to the purposes stated above.

2.4.2 Consequential amendments will be made to the electronic version of the Constitution as soon as

reasonably practicable and published on the council's website to provide transparency.

- 2.4.3 The council will monitor and evaluate the operation of the Constitution as set out in Section 2.

## **2.5 Duty to monitor and review the Constitution**

- 2.5.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure its aims and principles are given full effect and report to Members as appropriate.

## **2.6 Changes to the Constitution**

- 2.6.1 Approval

Except as provided in 2.6.2 below, changes to this Constitution will only be approved at a meeting of Full Council after consideration of the proposal by the Monitoring Officer.

A vote at Council to change the Constitution should be passed by a simple majority of those present and voting.

- 2.6.2 Legislative Changes

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting.

### 2.6.3 Minor Changes

If, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is;

- (a) required to be made to remove any inconsistency, ambiguity, typographical or other such error, changes to staffing structures, job descriptions or changes in terminology; or
- (b) required to be made so as to put into effect any decision of the Council or its Committees or the Executive; or
- (c) to amend the Constitution to implement decisions of the Leader in relation to the delegation of executive functions to the Executive Members; or
- (d) requested only for the practical purpose, in order to ensure the proper administration of the Council,

the Monitoring Officer or the Chief Finance Officer may make such a change

2.6.4 Any change made under paragraph 2.6.3(d) shall come into force with immediate effect but shall be referred to Full Council as soon as is reasonably practicable and shall only continue to have effect thereafter if agreed by Full Council.

2.6.5 Changes made under 2.6.3 must be notified to all Members at the next meeting of the Full Council.

2.6.6 If it is proposed to a change from the existing Leader and Cabinet form of executive to another form of executive,

the council must take reasonable steps to consult with local electors and other interested persons in the District when drawing up proposals. If the proposed new form of executive involves an elected mayor, the council must also hold a referendum.

## **2.7 Suspension of the Constitution**

### 2.7.2 Limit to suspension

The Chapters of this Constitution may not be suspended. Any rules of procedure, except those required by law, may be suspended to the extent permitted within those rules and the law.

### 2.7.3 Procedure to suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members entitled to be present is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Section 2.

## **2.8 Interpretation of the Constitution**

2.8.2 The ruling of the Chairman (or in their absence the Vice Chairman), having received legal advice, as to the construction or application of this Constitution or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

2.8.2 In all other situations, the Monitoring Officer will determine the interpretation and application of the

Constitution.

## **2.9 Maintenance of the Constitution**

2.9.2 The Monitoring Officer will ensure that there are periodic operational reviews of the Constitution.

2.9.3 The Monitoring Officer will also ensure that an up-to-date version of this Constitution is maintained and that it is widely available for consultation by Members, staff and the public, as set out in paragraph 2.10 below.

## **2.10 Publication**

2.10.2 On the Member first being elected to the Council, the Monitoring Officer will make an electronic copy of this Constitution available to him or her once that Member makes his or her declaration of acceptance of office.

2.10.3 The Monitoring Officer will ensure that copies are available for inspection on the council's website in a form that can be downloaded and that copies are available for inspection at council offices and can be purchased by members of the local press and the public on payment of a reasonable fee.