

Summary and Explanation

1.0 The Council's Constitution

- 1.1 East Herts 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 15 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.

2.0 What's in the Constitution?

- 2.1 Article 1 of the Constitution commits the Council to the belief 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. Articles 2 – 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)
 - Scrutiny of decisions (Article 6)
 - The Executive (Article 7)

- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Decision making (Article 12)
- Finance, contracts and legal matters (Article 13)
- Review and revision of the Constitution (Article 14)
- Suspension, interpretation and publication of the Constitution (Article 15)

3.0 How the Council operates

- 3.1 The Council is composed of 50 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community of East Herts, but they have a special duty to 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 trains and advises them on the code of conduct.
- 3.3 All councillors meet together as the Council. Meetings of the Council are open to the public unless exempt or confidential matters are under discussion. At these meetings, councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader, agree the terms of reference of committees and make appointments to them. It will also approve the policy framework, holding to account the executive and committees. There are public question times when any person may put forward questions.

4.0 How Decisions Are Made

- 4.1 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader and Deputy Leader, who are appointed by the Council, and an Executive of 4 Councillors whom the Leader appoints. When major decisions are to be discussed or made, these are published in advance in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the executive, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The Executive 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.

5.0 Development Control Decisions

- 5.1 These decisions cannot, by law, be taken by the Executive. A committee of Councillors meets in public to decide on planning applications. They have detailed reports from officers, comments from consultees such as neighbours and parish councils and legal advice. If planning consent is refused, the applicant can appeal to the Planning Inspectorate which may overturn the Council's decision.

6.0 Scrutiny

- 6.1 There are three scrutiny committees who support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented.

This enables it to consider whether the decision is appropriate.

- 6.2 The committee may recommend that the Executive reconsiders the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

7.0 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. A protocol governs the relationships between officers and Members of the Council.

8.0 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 local Citizens' Advice Bureau can advise on individuals' legal rights.

- 8.2 Where members of the public use specific council services, for example as a council tenant, they have additional rights, which are not covered in this Constitution.

- 8.3 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 on payment of a reasonable fee;
- attend meetings of the Council and its committees except where, for example, exempt or confidential

matters are being discussed;

- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the scrutiny committees;
- find out, from the Executive's publicity, what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about its functions and services;
- 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 Monitoring Officer 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.

8.4 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Democratic and Legal Support Services at Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ (tel: 01279 655261 ext 2170, 'e'-mail: jeff.hughes@eastherts.gov.uk).

9.0 Admission to meetings

- 9.1 All meetings of the Council, its executive, scrutiny committees, committees, sub-committees and panels are open to the public.
- 9.2 There may be occasions when “confidential” information is to be discussed at a meeting. On such occasion, the Council must exclude the public. Similarly, when information of a certain specified nature (exempt information) is to be considered, the Council has the discretion to resolve to exclude the public from a meeting.
- 9.3 The public has a right of access to agendas and reports for meetings. These papers must be available for public inspection “five clear days” in advance of a meeting and also at a meeting. There is no right of access to reports containing confidential and/or exempt information.
- 9.4 When meetings are convened at short notice and the “five day rule” cannot apply, papers must be available from the time a meeting is convened.
- 9.5 Following a meeting, members of the public have a right of access to the agenda and reports considered at a meeting, with the exception of confidential and/or exempt items, and also the Minutes.
- 9.6 Decisions of the Executive and key decisions taken by officers must be recorded. The record must also detail the reasons for a decision, any alternative options considered before reaching a decision and any declarations of interest. Records of decisions and any background papers must be made public.