

Summary and Explanation

1.0 The council's Constitution

- 1.1 East Herts Council has agreed a 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 Part 2 of the Constitution is divided into 14 Chapters 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 in other parts of the constitution.

2.0 What's in the Constitution?

- 2.1 Part 2, Chapter 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. Chapters 2 – 14 explain the rights of citizens and how the key parts of the council operate. These are:
- (a) Members of the Council (Chapter 2)
 - (b) Citizens and the Council (Chapter 3)
 - (c) The Council meeting (Chapter 4)
 - (d) Chairing the Council (Chapter 5)
 - (e) The Executive (Chapter 6)
 - (f) Scrutiny of decisions (Chapter 7)

- (g) Regulatory and other committees (Chapter 8)
- (h) Joint arrangements and working groups (Chapter 9)
- (i) Officers (Chapter 10)
- (g) Decision making (Chapter 11)
- (k) Finance, contracts and legal matters (Chapter 12)
- (l) Review and revision of the Constitution (Chapter 13)
- (m) Suspension, interpretation and publication of the Constitution (Chapter 14)

3.0 How the Council operates

- 3.1 The Council is composed of 50 Members elected every four years. Members are democratically accountable to residents of their ward. The overriding duty of Members 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 Members have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit and Governance Committee, through the Monitoring Officer, trains and advises them on the code of conduct.
- 3.3 All Members 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, Members 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, who is appointed by the Council, and between two and nine further Members, appointed by the Leader. 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 Scrutiny

5.1 There is one scrutiny committee the role of which is to:

- i. Hold the Executive to account for its actions;
- ii. Advise on the development and implementation of new policy and corporate projects;
- iii. Test whether existing policies and practices are effective and efficient and suggesting how they might be improved; and
- iv. Ensure the rigour and objectivity of performance management and service reviews.

The work of the scrutiny committee leads to reports and recommendations which advise the Executive and the Council as a whole on improvements to its policies, budget and service delivery.

The scrutiny committee also acts as the mediator for call-ins. A call-in is when a minimum of four members argue that a decision which has been made by the Executive, but not yet implemented, is not the best option. The scrutiny committee's role is to consider whether the Executive decision will lead to the best practicable outcome.

5.2 A scrutiny committee may recommend that the Executive reconsiders the decision. The committee may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

6.0 The Council's Staff (Officers)

6.1 The council has staff (referred to as '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 which is set out in Part 5 of this constitution.

7.0 Citizens' Rights

7.1 Citizens have a number of rights in their dealings with the council. These are set out in more detail in Chapter 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.

7.2 Citizens have the right to:

- (a) Vote at local elections if they are registered;
- (b) Contact their local Member about any matters of concern to them;
- (c) Obtain a paper copy of the constitution on payment of a reasonable fee (the constitution is also available online);
- (d) Attend meetings of the Council and its committees except where, for example, exempt or confidential matters are being discussed;
- (e) Petition to request a referendum on a mayoral form of executive;
- (f) Participate in the Council's question time and suggest topics for and contribute to investigations by the scrutiny committee;

- (g) Find out, from the council's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- (h) Attend meetings of the Executive where key decisions are being discussed or decided;
- (i) See reports and background papers, and any record of decisions made by the Council and Executive;
- (h) Complain to the council about its functions and services;
- (i) 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;
- (j) Complain to the Monitoring Officer if they have evidence which they think shows that a Member has not followed the council's Code of Conduct; and
- (k) Inspect the council's accounts and make their views known to the external auditor.

7.3 The council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Democratic Services at Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ
 email: democratic.services@eastherts.gov.uk
 tel: 01279 655261

8.0 Admission to meetings

8.1 All meetings of the Council, its Executive, scrutiny committee, committees, sub-committees and panels are open to the public.

8.2 There may be occasions when confidential information is to be discussed at a meeting. On such occasions, 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.

- 8.3 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.
- 8.4 When meetings are convened at short notice and the “five day rule” cannot apply, papers must be available from the time the meeting is convened.
- 8.5 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.
- 8.6 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.