

# Part 1 – The Council’s Constitution

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# Part 1 – The Council’s Constitution

The Southend-on-Sea Borough Council (“the 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 “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’s in the Constitution?

Article 1 of the Constitution commits the Council to provide clear Community Leadership and to ensure that it operates with transparency, efficiency and accountability. Further articles explain how the key points of the Council operate. 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)
- Members of the Public 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)
- Working Parties and Forums (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance and Contracts (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 comprised of 51 Councillors elected for four years. Councillors are democratically accountable to residents of their wards. 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. The names and addresses of all Councillors together with membership of political groups are published on the internet.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises 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 of the Council for a period of four years (subject to the provisions set out in Part 2 – Article 7.03 (a) – (c)) and agrees the decision making processes. The Council holds the Executive to account by appointing Scrutiny Committees to question decisions and to propose policy changes.

## **How decisions are made**

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 chosen by the Full Council in a ballot. The Leader appoints up to 9 other Councillors to form the Cabinet (one of whom may be appointed Deputy Leader). When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions, or indeed any decisions, are to be dealt with by the Executive, this will be at a Cabinet meeting open to the public to attend except where personal or confidential matters are being discussed. The Council has adopted the principle of openness as far as reasonably possible in operating this Constitution and accordingly expects the Executive to hold its meetings in public except when confidential or exempt business is to be 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.

## **Scrutiny**

There are three scrutiny committees who support the work of the Executive and the Council as a whole. They hold 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. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

## **Advisory Forums and Panels**

In order to give members of the public and external organisations a greater say in Council affairs, the Council has established a number of Advisory Forums and Panels with a remit to advise and report to the Executive.

## **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 protocol governs the relationships between Councillors and Officers (**Part 5d**).

## Public Rights

Members of the public 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, for example as a parent of a school pupil or as a Council tenant, 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;
- have access to 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 (a referendum may only be held once every five years);
- members of the public resident in the Council's area may participate in the Council's question time;
- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive which will normally be held in public unless in confidential session in accordance with the Executive Procedure Rules in **Part 4(d)**;
- see reports and background papers, and any record of decisions made by the Council and Executive unless in confidential session in accordance with the Access to Information Procedure Rules in **Part 4(b)**;
- use the Council's Complaints Procedure regarding any action by the Council. The Procedure is on the Council's website and leaflets are available at the Civic Centre;
- complain to the Local Government & Social Care 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 Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct in **Part 5(a)**;
- inspect the Council's accounts (subject to certain limitations) and make their views known to the external auditor; and
- access the following information via the Council website for all elected Councillors: name, correspondence address, political group, contact telephone number and e-mail address.