

# **PART 1**

## **SUMMARY AND EXPLANATION**

## Summary and Explanation

Rochford District Council adopted a new constitution in 2002. The constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people. Some processes within the constitution are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 15 articles that 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 leadership, involve citizens and take decisions and deliver services efficiently and effectively to the community. Articles 2– 15 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).
- Policy and other Committees (Article 7).
- The Standards Committee (Article 8)
- Area Committees (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).

### How the Council operates

The Council is composed of 39 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 Council has a Standards Committee that offers advice and training on these matters.

### Decision-making

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 decides on all major policies affecting the District and the services the Council provides. It also appoints Councillors to serve on its Committees and is the final arbiter in any differences between them.

Most day-to-day decisions are made by Policy Committees. The Council has five Policy Committees to deal with policy, finance and strategic performance; community services; leisure, tourism and heritage; planning policy and transportation; and environmental services. The Council also has Committees to carry out specific regulatory functions, a Development Control Committee (formerly known as the Planning Services Committee) and a Licensing Committee, as well as an Emergency Planning Committee and an Appeals Committee.

The Council is increasingly working in partnership with other agencies to deliver its Community Strategy and the roles and responsibilities of Councillors will continue to develop outside the formal committee structure in line with this partnership agenda.

Meetings of the Council's Committees are open to the public except where personal or confidential matters are being discussed.

### **Overview and Scrutiny**

There is one overview and scrutiny committee, the Review Committee, which supports the work of the Policy Committees and the Council as a whole. This committee allows citizens to have a greater say in Council matters by holding inquiries in public into matters of local concern. This can lead to reports and recommendations which advise the Policy Committees and the Council as a whole on its policies, budget and service delivery. The Review Committee also monitors the decisions of the Policy Committees. It can 'call-in' a decision that has been made by a Policy Committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Policy Committee or Full Council reconsider the decision. The Review Committee may also be consulted by Policy Committees 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, for example 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;
- 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 Council's question time and contribute to investigations by the Overview and Scrutiny Committees.
- See Committee reports and background papers, and any record of decisions made by the Council and its Committees.
- Complain to the Council when dissatisfied with a service provided or action taken, by the Council or on its behalf by a contractor;
- 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 Board for England 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 Committee Team, Council Offices, South Street, Rochford, Telephone 01702 546366 fax 01702 318154; email [information@rochford.gov.uk](mailto:information@rochford.gov.uk). Further information is also available on the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk)