PART 1 – SUMMARY AND EXPLANATION

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(NB - this is not an exhaustive description: for details reference must be made to the full Constitution. This summary and explanation does not form part of the Constitution)

1. THE COUNCIL'S CONSTITUTION

1.1 The Local Government Act 2000 requires the Council to prepare, keep up-to-date and publicise a document known as the Constitution. This document provides an important means of enabling members of the local community and stakeholders to understand how the Council makes decisions and who is responsible for those decisions.

1.2 The Constitution is at the heart of the Council's business. It allocates power and responsibility, and it regulates the behaviour of individuals and groups through codes of conduct, protocols and rules of procedure.

1.3 The Constitution is divided into fourteen articles which set out the basic rules governing the Council's business followed by more detailed information including responsibility for discharge of functions, procedures and codes of practice.

1.4 The Articles are intended to set the overall framework and in general will not be subject to frequent change. They are about what is to be done and by whom.

1.5 Procedure Rules, Codes of Conduct and the other material located after the Articles are broadly about how the Articles will be put into effect.

1.6 Article 1 of the Constitution commits the Council to efficient, transparent, and accountable decision making so that it will be more open and responsive to the needs and aspirations of the Community. Articles 2–14 explain the rights of members of the local community and how the key parts of the Council will work.

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2. HOW THE COUNCIL OPERATES

2.1 The Council is composed of 31 Councillors elected every four years. Councillors are democratically accountable to residents of the Ward for which they were elected. The overriding duty of Councillors is to the whole community, including those persons 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 established a Joint Standards Committee which guides Members on the Code of Conduct and holds them to account as necessary.

2.2 All Councillors meet together as the Council. Meetings are normally open to the public and held on dates set by the Council. By law the Council has to meet annually – this is known as the Statutory Annual meeting. At Council meetings Councillors, amongst other things, decide the Council's policy framework and set the overall budget each year. The Council also establishes Committees and appoints Members to these Committees that help the Council operate. At Council meetings members of the public are able to submit questions on issues of concern to them.

2.3 The Chairperson of the Council is elected by the Council at each annual meeting and remains in office until a successor is appointed. The Chairperson chairs meetings of the Council and will have regard to, and at times interpret, the Constitution relative to the conduct of meetings. The Chairperson is also the Council's civic head, representing it at various civic, ceremonial, and other social events – a key aspect of this role will be to promote the District. The Vice-Chairperson of the Council is also elected by the Council and will deputise for the Chairperson.

2.4 Councillors may form themselves into groupings usually based around political parties. In normal circumstances the largest group will form an Administration from which the leading positions in the structure will be filled. Other groups will normally take on the role of opposition to constructively test and challenge the work and views of the Administration. The Leader is the Council's political head, being the leader of the largest political group on the Council. At each annual meeting the Council is asked to ratify that person as the Leader of the Council. If it does not do so it must elect a Leader. The Council will also appoint annually a Deputy Leader who will deputise for the Leader. While under governance arrangements adopted by the Council the Leader has no executive or delegated powers as such, the Leader is in a position of influence and works closely with the Chief Executive.

3. HOW DECISIONS ARE MADE

3.1 Most decisions on council functions are dealt with by politically balanced Committees subject to the general oversight of Council. The main Committees which are appointed by the Council are:

- Strategy and Resources;
- Performance, Governance and Audit;
- Licensing;
- Planning;

3.2 The Council also has an Overview and Scrutiny Committee and a Joint Standards Committee. Each Committee will appoint its own Chairperson.

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4. THE BUDGET AND POLICY FRAMEWORK

4.1 The Council from time to time may produce, or review and revise as the case maybe, the main policy documents within which all decisions taken by the Council, its Committees, Sub-Committees and Officers must follow. Changes to the policy and strategy framework require approval of the Council. The key documents will include the Corporate Plan and the Local Plan (Planning Local Development Framework).

4.2 For the most important policies, policy formulation will be achieved after discussion in Council, but since the Council's time is finite, the Council also will receive advice on particular policy areas or individual matters from its Committees and from Member panels or working groups. These can be created by the Council or by the Committees.

5. DECISION TAKING

5.1 The Council and its Committees meet on a regular basis with scheduled meetings set out in a timetable of meetings approved by the Council, although there may be additional meetings convened for particular purposes.

5.2 The exercise of its functions and powers are undertaken either by the Council itself, or otherwise by Committees or paid Officers of the Council in accordance with arrangements determined by the Council. The Council's Committees each have terms of reference reflecting their respective remits. Terms of reference set out those matters on which a Committee may consider and report to the Council (to recommend) as distinct from those matters which it may deal with on behalf of the Council (to resolve). These arrangements are backed up by a Scheme of Delegation which enable various actions and decisions to be taken by named Officers of the Council instead of a Committee. On occasions, delegated decisions can only be taken after consultation with the Chairperson of the Committee. The Leader of the Council and the local Ward Councillor may also be included in certain consultations.

6. PROTOCOLS

6.1 As many of the Council's procedures become written down the need arises for more informal documents which set out all parties understanding of how these procedures will be conducted.

7. JOINT WORKING

7.1 The Council has agreed arrangements with other Councils to perform important functions jointly with them. This includes:

- The South Essex Partnership Joint Committee which covers the Basildon, Brentwood, Castle Point, Chelmsford, Maldon and Rochford Council areas and has responsibility for the ongoing maintenance and enforcement of on street parking restrictions under delegation from Essex County Council as highway authority.
- The Essex Countywide Traveller Unit Joint Committee which consists of a range of partner authorities to address the issue of unauthorised encampments.

- The Joint Standards Committee which discharges standards / ethical arrangements and upholds high standards of conduct not only for the Council itself but also the Parish and Town Councils in the District.

8. THE COUNCIL'S STAFF

8.1 Council paid employees are called Council Officers. Officers give advice, act on, and put into effect the Council's decisions and run the Council's services. By law, the Council has to appoint or designate the following Officers:

- **Head of Paid Service** – responsible for the co-ordination of the operational activity involved in delivering the Council's services and functions, including the appointment and management of staff.
- **Section 151 Officer or Chief Finance Officer** – responsible for the proper administration of the Council's financial affairs.
- **Monitoring Officer** – reports to the Council on cases of maladministration, the conduct of councillors and officers, and ensuring compliance with the Constitution (including the provision of advice and interpretation).

8.2 There is an internal protocol which provides guidance and expectations around the working relationship between elected Councillors and paid Officers.

9. RIGHTS OF MEMBERS OF THE LOCAL COMMUNITY

9.1 Members of the local community have a number of rights in their dealings with the Council which are set out in more detail in Article 3 of the Constitution. Some of these are legal rights, whilst others depend on the Council's own processes.

9.2 Members of the local community have the right to:

a) vote at local elections if they are registered.

b) contact the Council or their local Councillor about any matters of concern to them.

c) obtain a copy of the Constitution on payment of a reasonable charge.

d) attend meetings of the Council and its Committees except that part of a meeting where, for example, personal or confidential matters are being discussed.

e) petition to request a referendum on a change of governance arrangements.

f) submit questions to meetings of the Council and speak at Committee meetings on items of business.

g) see reports and background papers, and any record of decisions made by the Council unless the Council decides that the papers should not be made public. Papers can only be withheld from the public for reasons provided for legally. These are set out in the Access to Information Procedure Rules at Part 4 of the Constitution.

h) complain to the Council about any Council service or the way it is delivered.

i) complain to the Ombudsman if they think the Council has not followed its procedures properly.

j) complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.

k) inspect the Council's accounts and make their views known to the external auditor during prescribed periods each year.

9.3 Where members of the public use specific Council services they have additional rights. These are not covered in the Constitution.

10. OTHER MATTERS

10.1 This outline summary aims only to give a shortened description of the main processes under the Council's Constitution. It should not be relied on for detailed procedures or definitions, which are contained in the full constitution. The constitution also deals with various matters which are not mentioned above either because they are not essential for the brief description.

11. FURTHER INFORMATION

11.1 The Council welcomes participation by the local community in its work. For further information on your rights as a member of the local community, please contact the Chief Executive at the Council Offices, Princes Road, Maldon, Essex (Tel: 01621 854477).