

# Constitution of Epsom and Ewell Borough Council

## 1. Introduction

- 1.1. This is the Constitution of Epsom & Ewell Borough Council. The purpose of the Constitution is to set out how the council makes decisions and operates. It sets out the procedures that it follows to ensure that these decisions are effective and efficient, carried out in accordance with the legal requirements, and that the council is properly accountable to local people. It helps the council to achieve its corporate aims, objectives and priorities. The council must observe the duty of Best Value, that is, delivering value for money, in its functions and the way in which it operates, and that it acts within the law at all times.
- 1.2. Epsom & Ewell Borough Council is a borough council within the county of Surrey. Councillors are elected every four years. The whole council is elected at the same time. If a seat becomes vacant during the four-year period a by-election is held. The overriding duty of councillors is to act in the interests of the whole borough, as well as representing the people who live, work and study in their ward.

## 2. Councillors and the Mayor

- 2.1. All councillors must abide by a code of conduct which governs the way in which they carry out their duties when they are acting as a councillor. If councillors do not observe the code, they are open to a complaint being made about them to the Monitoring Officer. The Code of Conduct for councillors is available in Appendix 1 and the arrangements for making a complaint and dealing with complaints can be found in the council's [Operating Framework](#) ('Framework'). The council's Monitoring Officer (see the Framework) is responsible for oversight of the code.
- 2.2. The majority party, i.e. the political group with the most councillors, is called the "Administration".
- 2.3. All councillors have the following responsibilities:
  - Collectively be the policy makers of the council.
  - Contribute to the way in which the council operates and encourage community participation and involvement.
  - Represent the interests of their ward and the people who live, work and study in the Borough.
  - Respond to enquiries and representations fairly and impartially.

- Maintain the highest standards of conduct and ethics, in accordance with the Nolan Principles and the councillors' code of conduct.
  - Represent the council on external committees and partnerships when appointed to do so, including at their meetings when requested.
- 2.4. Councillors receive an allowance in accordance with the Members' Allowance Scheme, which can be found in the [Framework](#). The council sets the Scheme, but are advised in doing so by the Member Remuneration Panel. No councillors sit on the Remuneration Panel.
- 2.5. Councillors will have rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.
- 2.6. Councillors will not make information public which is confidential or exempt without the consent of the council, or divulge information given in confidence to anyone other than a councillor or officer entitled to know. For these purposes, "confidential" and "exempt" are defined in the Access to Information Scheme (see the [Framework](#)).
- 2.7. Epsom & Ewell Borough Council has a Mayor. The Mayor and Deputy Mayor are elected by the councillors at the Annual Council Meeting in May and serve for the following civic year. The Mayor is the "First Citizen" of the borough and acts as a non-political and ceremonial head, working to benefit the borough and its residents and businesses. The Mayor, often accompanied by their Consort, attends such civic and ceremonial functions in accordance with the provisions contained in the Handbook for Mayors, and with the guidance of the Chief Executive and Chair of Strategy and Resources Committee. If a resident or business would like the Mayor to attend an event, they can contact the Mayor's Office using the details provided on the council's website. The Mayor presides over meetings of the council and ensures that business at council meetings is carried out efficiently and effectively. The Mayor is responsible for interpreting the council's constitution at those meetings where necessary.
- 2.8. The Deputy Mayor is invited by the Mayor to attend civic and ceremonial functions that the Mayor is unable to attend.

### **3. Officers**

- 3.1. Council employees, known as officers, advise councillors, implement council decisions and carry out the day-to-day operational delivery of services and other functions in accordance with the direction, strategies and policies set by councillors. The management structure can be accessed in the [Framework](#).

- 3.2. Most of the functions of the council are delegated to officers. This is documented in the Scheme of Delegation (Appendix 2).
- 3.3. Some officers have a specific statutory role. The council has to appoint a Head of Paid Service, who is usually also the Chief Executive; a Section 151 Officer, who is responsible for overseeing financial matters; and a Monitoring Officer, whose role is to oversee the Councillors' Code of Conduct and ensure that the council acts in accordance with the law.

#### **4. The Committee System**

- 4.1. All councillors meet together at Full Council meetings. The council sets the overall budget and policy framework, with which officers must comply. Some decisions are specifically reserved for Full Council (see Appendix 3). Other decisions are delegated to committees and panels, and to council officers through the Scheme of Delegation (Appendix 2). Decisions cannot be delegated to individual councillors.
- 4.2. The council's standing orders show how Full Council and committee meetings are run. The standing orders can be viewed in Appendix 4 and Appendix 5.
- 4.3. Members of the public are welcome to watch and listen to both Full Council and committee meetings. Information on how members of the public can ask questions during committees is available in the [Framework](#). However, sometimes members of the public may be asked to leave a meeting if confidential matters are involved.
- 4.4. Committees are composed of councillors. A committee's membership is politically proportionate, in accordance with the overall political make-up of the authority. More information on each committee's terms of reference is available in Appendix 3.
- 4.5. The policy committees are responsible to the Full Council for developing the policies and strategies of the council, including oversight of the service's the council provides. Policy committees will direct officers to carry out and deliver on these policies and strategies.
- 4.6. The Audit and Scrutiny committee can scrutinise decisions made by the Full Council or policy committees. Further information on scrutiny can be found in the [Framework](#). However separate processes exist for licensing and planning matters, see the [Framework](#).
- 4.7. The council also works with other local authorities, and public and private bodies across and outside Surrey, to assist in achieving its corporate aims and objectives. The council may delegate any of its functions (a) to a committee, sub-committee or an officer of the council, or (b) to any other local authority. The council may contract out to another body or organisation, functions which

may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994.

## **5. Decision-making**

- 5.1. The council will issue and keep up to date a record of what part of the council or which individual officer has responsibility for particular types of decisions, or decisions relating to particular areas or functions. Committee schemes of delegation are available in Appendix 3 and the officer scheme is located in Appendix 2.
- 5.2. Decisions made by the council will accord with the following principles:
- Compliance: with legislation and the council's own rules, procedures strategies and priorities.
  - Financial soundness: decisions will accord with the council's financial regulations, contract standing orders, and budget and policy framework.
  - Proportionality: decisions will be appropriate and limited to what is necessary to achieve the intended objective / outcome.
  - Transparency: decisions will be made in an open and transparent manner unless circumstances dictate otherwise.
  - Evidence-based: decisions will be made after due [consultation](#) and consideration of the advice received from officers, or appropriately qualified consultants.
- 5.3. Decision making by the council will follow our procedural rules, namely the constitutional annexes listed in this section and Section 4.
- 5.4. The council, a committee, a sub-committee or an officer, acting as a tribunal or in a quasi-judicial manner, or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice, and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- 5.5. The management of the council's financial affairs will be conducted in accordance with the Financial Regulations (see the [Framework](#)). Every contract made by the council will comply with the Contract Standing Orders (see the [Framework](#)).
- 5.6. Regarding legal proceedings, the Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council; or, in any case

where they consider that such action is necessary to protect the council's interests.

## **6. Residents**

- 6.1. People who live, work or study within the borough are welcome to participate in the work of the council, such as by: voting at local elections (if registered); contacting their local councillor about matters of concern; responding to council consultations and petition the council in accordance with the council's Petition Scheme (see the [Framework](#)).
- 6.2. Members of the public may attend, listen and observe meetings of the Full Council and committees, except when confidential matters are involved. Information on how members of the public can ask a question or make a statement at a committee can be found in (see the [Framework](#)).
- 6.3. The council operates an Access to Information Scheme which governs how members of the public can access council information in accordance with the law (see the [Framework](#)). The Scheme also includes how the council's financial accounts can be inspected and feedback submitted to the council's external auditor. Committee report papers and decisions are published on the council's [website](#).
- 6.4. Members of the public can make complaints about the Council - including its councillors, officers, and Monitoring Officer - by following the complaints process (see the [Framework](#)).
- 6.5. Persons, in their contact with councillors or officers, must not be violent, abusive or threatening. In addition, they must not wilfully harm property of the council, councillors or officers.

## **7. Amending the Constitution**

- 7.1. As this Constitution has been adopted by the Full Council, it will itself monitor and review the document to ensure that it is up to date. Minor changes can be made by the Monitoring Officer in consultation with the Chair of Standards and Constitution Committee, other changes will be made by the Full Council on the recommendation of the Standards and Constitution Committee. The same requirements apply to amending the Framework. Further information related to the Constitution is available in the [Framework](#).