

PART 1

Summary and Explanation

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1 The Council's Constitution

- 1.1 Epsom and Ewell Borough 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 The Constitution is divided into fifteen (15) 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 set out in Parts 3 to 5 of the Constitution.
- 1.3 In accordance with the Localism Act 2011, the Council operates a committee system as its form of governance. This preserves the opportunity for all Councillors to be directly involved in decision-making.

2 What is in 'The Constitution'?

- 2.1 **Article 1** of the Constitution commits the Council to providing clear leadership to the community, actively involving citizens in decision-making and helping Councillors represent their constituents more effectively.
- 2.2 **Articles 2 to 15** explain the rights of citizens and how the key parts of the Council operate. These are:
 - (a) Members of the Council (Councillors) (Article 2)
 - (b) Citizens and the Council (Article 3)
 - (c) The Council (Article 4)
 - (d) The Mayor (Article 5)
 - (e) Overview and Scrutiny (Article 6)
 - (f) Policy and Regulatory Committees (Article 7)
 - (g) Standards Committee (Article 8)
 - (h) Area Committees (Article 9)
 - (i) Joint arrangements (Article 10)
 - (j) Officers (Article 11)
 - (k) Decision making (Article 12)
 - (l) Finance, contracts and legal matters (Article 13)
 - (m) Review and revision of the Constitution (Article 14)
 - (n) Suspension, interpretation and publication of the Constitution (Article 15)

3 How the Council operates

- 3.1 The Council is composed of 38 Councillors (otherwise called Members) elected every four years. The overriding duty of Councillors is to the whole community in the Borough, but they have a duty and democratic accountability to their constituents in their Ward, 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 Standards Committee assists and advises the Council, as deemed necessary, in meeting its duty to promote and maintain high standards of conduct.
- 3.3 All Members meet together as the Council. Meetings of the Council are normally open to the public. Here, Members decide the Council's overall policies and set the budget each year; settle the Council's main plans, like the Corporate Plan; approve the Council's contribution as a partner to the Community Strategy; and resolve any issues which would normally be decided by committees or officers except for their controversial nature.

4 How decisions are made

- 4.1 Decisions are made by the Council or by committees or senior officers of the Council under delegated authority. The Council has five policy committees responsible respectively for strategy (including the Community Strategy) and budget formulation; the environment; leisure; social; and Licensing and Planning Policy issues. In addition, the Planning Committee deals with planning applications and related matters.
- 4.2 Occasionally, a sub-committee will be set up for a specific purpose and time period but otherwise any working groups and panels will only have advisory functions - the committees referred to above will normally be the only ones making decisions.
- 4.3 Meetings of the Council's committees, sub-committees and panels are publicised well in advance and are open to the public except where personal or confidential matters are being discussed.

5 Overview and Scrutiny

- 5.1 There is an Audit, Crime & Disorder and Scrutiny Committee which supports the work of the policy committees and the Council as a whole. It reports to the Council. It allows citizens to participate in investigating matters of local interest. 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. Sometimes, it or another committee or panel will also examine the activities of other public bodies whose actions affect the well-being of the community.

- 5.2 The Audit, Crime & Disorder and Scrutiny Committee also monitors the decisions of the policy committees and can ‘call-in’ a decision which has been made but not yet implemented. This enables it to consider whether the decision is appropriate and may lead to a recommendation that the relevant committee or the Council should reconsider the decision.
- 5.3 The Committee may be consulted by policy committees on forthcoming decisions and the development of policy although in most cases the policy committees will develop their own policy. The Audit, Crime & Disorder and Scrutiny Committee is responsible for ensuring that the Council complies with its duties concerning Best Value, in accordance with the Local Government Act 1999. It scrutinises the Council’s financial and audit arrangements and must ensure that suitable arrangements are made to manage performance and deliver priorities.
- 5.4 The Committee can review or scrutinise decisions or other action taken by the local Crime and Disorder Reduction Partnership. It can make reports and recommendations to the policy committees or to Council on its findings.
- 5.5 Ward councillors can refer local crime and disorder matters which they have been unable to resolve to the Audit, Crime & Disorder and Scrutiny Committee for consideration under a process known as “councillor call for action”.

6 Area Committees

- 6.1 The Council does not have Area Committees but has the power to create these in the future, following public consultation on their number, composition, function and delegated financial authority. It will only do this if it is satisfied that it will improve services and lead to more efficient, transparent and accountable decision-making.

7 The Council’s Staff

- 7.1 The Council employs staff, by convention known as Local Government ‘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. Codes of Conduct and a Protocol (see Part 5 of the Constitution) govern the relationships between Members and Officers.

8 Citizens’ Rights

- 8.1 Citizens have a number of rights in connection with 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 and can be amended or extended by decision of the Council. The local Citizens’ Advice Bureau can advise on individuals’ legal rights.

8.2 Citizens have the right to:

- (a) vote at local elections, if they are registered;
- (b) contact their local Councillor(s) about any matters of concern to them;
- (c) obtain a copy of the Constitution;
- (d) attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- (e) inspect agendas and reports except where, for example, a report has been written about a confidential matter;
- (f) petition to request a referendum on a mayoral form of executive;
- (g) speak at committees – (See Part 4 (b) Committee Rule of Procedure nos. 2 - 16);
- (h) complain to the Council under its internal complaints process;
- (i) complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly - however, they should only do this after raising the complaint with the Council and giving the Council a chance to respond;
- (j) complain to the Council's Monitoring Officer if they have evidence which they think shows that a Member has not followed the Council's Code of Conduct for Members;

and

- (k) inspect the Council's accounts and make their views known to the external auditor.

- 8.3 Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution. The Council will also provide further opportunities for involvement through consultation and through invitations to participate in working groups or panels.
- 8.4 A statement of the rights of citizens to inspect agendas and reports and attend meetings is available at the Council's offices.
- 8.5 The Council welcomes participation by the Borough's citizens in its work. For further information on your rights as a citizen, please contact the Council's Head of Legal and Democratic Services (01372 732000).