

SECTION 2 THE CONSTITUTION

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PART 1 - SUMMARY AND EXPLANATION

The Council's Constitution

Uttlesford District Council's Constitution 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 17 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 acting within the law to provide clear leadership to the community and to provide services to that community in an efficient, effective and accountable manner. Articles 2 -17 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 Full Council (Article 4)
- Chairing the Council (Article 5)
- Scrutiny Committee (Article 6)
- The Executive (Article 7)
- Regulatory Committees (Article 8)
- The Standards Committee (Article 9)
- Task groups and working groups (Article 10)
- Joint arrangements (Article 11)

- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)
- Honorary Aldermen (Article 17)

How the Council operates

The Council is composed of 39 councillors elected every four years. 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.

The Council has adopted a code of conduct to ensure high standards in the way councillors undertake their duties. The Standards Committee trains and advises councillors 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 regulatory committees to deal with planning and licensing issues which may not be the responsibility of the Executive. The Council appoints committees to carry out the overview and scrutiny functions contained in the Local Government Act 2000. The Council appoints a Standards Committee to promote high standards of conduct and to deal with complaints of breaches of the code of conduct full details of which are contained in Article 9.

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 a Leader who is elected by the Full Council, and a Cabinet of not less than two and not more than nine other councillors whom he/she appoints. The decision as to how many members of the Cabinet there will be is taken by the Leader within the statutory limits. When executive decisions are to be discussed or made, these may be published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being 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

The role of the Scrutiny Committee is to support the work of the Executive and the Council as a whole strengthening the decision-making process and allowing citizens to have a greater say in Council matters by holding 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. The Scrutiny Committee also monitors the decisions of the Executive. It can call in a decision which has been made by the Executive but not yet implemented. This enables the Scrutiny Committee to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council 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 an individual's 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;
- access 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;
- petition the Council on any issues in accordance with Article 3 - which guarantees that petitions which meet certain conditions will be considered by the Council or one of the Committees;
- petition the Council pursuant to the scheme adopted under the Local Democracy, Economic Development and Construction Act 2009, details of which are contained in Article 3

- participate in the Council's question time and contribute to investigations by the Scrutiny Committee;
- complain to the Council about any matters relating to its responsibilities with which they are dissatisfied. The Council has a complaints procedure, details of which are available on request;
- 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 Information Commissioner if they believe that the Council has failed to comply with the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the EU General Data Protection Regulation and the Data Protection Act 2018. However, they should only do this after using the Council's own complaints process;
- complain to the Council if they have evidence which they think shows that a councillor has not followed the Council's code of conduct;
- inspect the Council's accounts and make their views known to the external auditor;
- inspect agendas of meetings of the Council, the Executive and its committees; and
- inspect reports to meetings of the Council, the Executive and its committees (unless these contain personal or confidential information)

The Council welcomes participation by its citizens in its work. For further information on citizens' rights, please contact Democratic Services on 01799 510433 or committee@uttlesford.gov.uk or write to Council Offices, London Road, Saffron Walden, Essex CB11 4ER.