

Part 1

Summary and Explanation

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The Council's Constitution

Braintree District Council has agreed a new 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.

The Constitution is divided into 16 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:

- Provide the highest standards of open and publicly accountable local government for residents.
- Secure the best possible conditions for all who live in the District to lead a high quality life.
- Encourage residents to exercise fully their rights and responsibilities.
- Focus on our citizens and secure the quality services they require.
- Ensure all our staff continue to be given opportunities for development through training, appraisal, respect and support.
- Act in an effective manner, and ensure that our objectives are met.
- Maximise access to our services for people with disabilities or other forms of disadvantage.
- Ensure that the principle of sustainability is followed in all Council policy and decision making and find ways to measure progress in that respect.

Articles 2 - 16 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).
- The Cabinet (Article 7).
- District Development, Licensing and other committees (Article 8).
- The Standards Committee (Article 9).
- Area committees (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).

How the Council operates

The Council is composed of 60 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. Where there is a majority of Councillors forming one (political) group on the Council the leader of the Council will be the leader of that group. If there is no one (political) group which comprises a majority of the Councillors the leader will be a Councillor elected to the position by the Council. The leader will appoint, from amongst the remaining Councillors, at least 2 but not more than 9 members who will form the Cabinet along with the leader. Article 7 of this Constitution sets out more details including the role and proceedings of the Cabinet. The Cabinet may appoint deputies to Cabinet Members and the remit of these is set out in the protocol set out in Part 5.

The Cabinet will report to the full Council on its proceedings and give details of decisions made by it. Non-Cabinet members of the Council will be able to question the leader about any part of the Cabinet's report.

Members of the public may make statements or ask questions of members of the Cabinet at meetings of the Cabinet and also at meetings of the full Council.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader of the Council and a cabinet of up to nine Councillors whom he/she appoints. When major decisions are to be discussed or made, these are published in the Cabinet'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 Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet 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.

OVERVIEW AND SCRUTINY

A Scrutiny Panel, Audit Panel and Policy Development Groups support the work of the Cabinet and the Council as a whole. They allow 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 Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Panel also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the

Cabinet reconsider the decision. The Policy Development Groups may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

In order to give local citizens a greater say in Council affairs, the Council has 3 area committees. These cover:-

Braintree Area. Part of the unparished area of Braintree, part of the unparished area of Bocking, the parishes of Bardfield Saling, Coggeshall, Cressing, Finchingfield, Great Bardfield, Great Notley, Great Saling, Panfield, Rayne, Shalford, Stisted and Wethersfield and part of the parish of Feering.

Halstead Area. The remainder of the unparished area of Bocking, Halstead and the parishes of Alphamstone, Ashen, Belchamp Otten, Belchamp St Paul, Belchamp Walter, Birdbrook, Borley, Bulmer, Bures Hamlet, Castle Hedingham, Colne Engaine, Earls Colne, Foxearth, Gestingthorpe, Gosfield, Great Henny, Great Maplestead, Great Yeldham, Greenstead Green, Halstead Rural, Helions Bumpstead, Lamarsh, Little Henny, Little Maplestead, Little Yeldham, Liston, Middleton, Ovington, Pebmarsh, Pentlow, Ridgewell, Sible Hedingham, Stambourne, Steeple Bumpstead, Sturmer, Tilbury Juxta Clare, Toppesfield, Twinstead, White Colne and Wickham St Paul.

Witham Area. The remainder of the unparished area of Braintree, Witham, the parishes of Black Notley, Bradwell, Fairstead, Faulkbourne, Hatfield Peverel, Kelvedon, Rivenhall, Silver End, Terling and White Notley and the remainder of the parish of Feering.

Each area committee is responsible for all functions arising solely within its area and is granted full delegated powers and responsibilities to deal with these items within the Council's budget and policy framework. The area committees are made up of Councillors from each particular area and meetings are held in public.

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 Bureaux 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;
- 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 Cabinet;
- participate in the Council's question time and contribute to the work of the Scrutiny Panel and Policy Development Groups;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council about any activity of the Council or a Councillor or a member of staff;
- 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 Democratic Services Manager at Causeway House, Bocking End, Braintree, Essex, CM7 9HB (Tel. 01376 551414 Ext 2610).

The rights of citizens to inspect agendas and reports and to attend meetings are set out in the Access to Information Procedure Rules set out in Part 4 of this Constitution.